

PUBLIC AND GENERAL

L A W S

PASSED AT THE ANNUAL SESSION

OF THE

GENERAL ASSEMBLY

OF

ALABAMA, FOR 1832-3.

[No. 1.]

AN ACT

To establish a Branch of the Bank of the State of Alabama in the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a Branch of the Bank of the State of Alabama, Capital stock. with a capital of two millions of dollars, be, and the same is hereby established in the city of Mobile, to be styled the Branch of the Bank of the State of Alabama, at Mobile.

Sec. 2. *And be it further enacted,* That for the management Election of of the concerns of said Branch Bank, the legislature shall annually proceed to elect by joint vote of both Houses, a president and fourteen directors, whose office shall continue for one year, and until their successors shall be duly qualified; and all subsequent elections for president and directors, shall be by joint vote of both houses of the general assembly. President and Directors.

Sec. 3. *And be it further enacted,* That the following powers, rules, conditions, limitations and restrictions, shall be the fundamental laws of said Branch Bank, viz: First, The president and directors for the time being, shall have power to elect and remove the cashier and such other officers and clerks under them as shall be necessary, to execute the business of said Branch Bank, and allow them such compensation for their services as shall be reasonable and just: Second, They shall receive money on deposite, and pay out the same to order free of expense; deal in bills of exchange and discount notes made payable and negotiable at said Branch Bank, at a rate of interest not exceeding six per cent. per annum; and all notes that have from six to nine months to run, may be discounted at a rate of interest not to exceed seven per cent. per annum; and all notes that have from nine to twelve months to run, may in like manner be discounted at a rate of interest not to exceed eight per cent. per annum: Third, In case of vacancy by death, resignation or removal out of the State of any director, a majority of the directors shall fill such Power of the President and Directors. vacancy, and the director or directors so appointed, shall hold his or their office during the unexpired time of such director or directors: Fourth, In case of death, resignation, or removal out of the State of the president, unless such removal be temporary, and he has permission of the board of directors, the directors Rate of interest.

Who not eligible as President or Director.

Six Directors to constitute a board.

Books to be kept and proceedings entered.

Oath.

Officers to give bond.

Empowered to issue notes.

Legislature to be furnished with a statement of the transactions of the Bank.

May inspect books of the Bank.

shall appoint one of their own body, president, who shall serve until his successor shall be elected by the next general assembly. No person who is not a citizen of this State, or who is a director of any other Bank, or co-partner of any such director, shall be eligible as president or director of said Bank: Fifth, Not less than six of the directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, in which event the board may appoint for the time being, a president *pro tempore*: Sixth, The directors shall keep fair and regular entries of all their proceedings in a well bound book to be provided for that purpose, and upon all questions, when one director may require it, the yeas and nays shall be duly recorded on the minutes; and those minutes shall at all times, on demand, be produced to the legislature, or any committee thereof, who may be duly authorized to require the same; and on all such questions, every member present shall be required to vote: Seventh, The president, directors, cashier, and officers and servants, shall take and subscribe the following oath, before entering on the discharge of the duties of their respective offices, to wit: I solemnly swear (or affirm, as the case may be) that I will faithfully and correctly, to the best of my skill and ability, discharge the duties reposed in me as _____ of the Branch of the Bank of the State of Alabama, at Mobile; and that while I am such, I will not violate the provisions of an Act entitled "An Act to regulate the rate of interest," passed December 17, 1819, so long as I continue to discharge the duties of said office. So help me God.

Sec. 4. *And be it further enacted*, That every president and cashier, before he enters on the execution of his duty, shall give bond, with two or more securities, in a sum not less than fifty thousand dollars, to the satisfaction of the directors, conditioned for his good behaviour; and the teller and clerks shall give security in a sum not less than ten nor more than twenty thousand dollars, which bond shall not be void upon any one or more recovery, conditioned as aforesaid.

Sec. 5. *And be it further enacted*, That the president and directors shall have power to issue notes signed by the president and countersigned by the cashier, not under the denomination of one dollar, on the behalf of said Branch Bank, for such sums, and with such devices, as they may deem most expedient and safe, and they shall also be capable of exercising such other powers and authorities as may be necessary for the well governing and ordering the affairs of said Branch Bank, and of promoting its interest and its credit.

Sec. 6. *And be it further enacted*, That it shall be the duty of the president and directors, to furnish to the general assembly within the first week of every session, statements of the amount of the capital of said Branch Bank, and of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash on hand; together with all other property of said Branch Bank, both real and personal; and the general assembly shall have a right to inspect such general accounts in the books of the Branch Bank, as shall relate to the said statements; and shall, when it may be deemed necessary, appoint a

joint committee of both houses of the general assembly for that purpose, with full powers to send for persons and papers: *Provided*, that nothing in this clause shall imply a right of inspecting the deposits of any private individual or individuals, or any body politic or corporate with the Branch Bank.

Sec. 7. *And be it further enacted*, That if any person or persons shall be indebted to said Branch Bank, as maker or endorser of any note, bill, or bond, expressly made payable and negotiable at said Branch Bank, and shall delay payment thereof, it shall be lawful for the president of the Branch Bank, after having given thirty days notice thereof, to move the circuit court of the county of Mobile, on producing to said court before which the motion is made, the certificate of the president of the Branch Bank, that the debt is really and *bona fide* the property of the said Branch Bank, for judgment; and all the debts due by said Branch Bank, by bond, bill, note or otherwise, to any individual or body corporate, may be sued for, and recovered in like manner.

Mode of collecting debts for & against the Bank.

Sec. 8. *And be it further enacted*, That if any of the officers of the said Branch Bank, shall embezzle or fraudulently convert to his or their own use, any sum of money, bank note, bill of exchange, check, bond, or other security, placed under his care by virtue of his said office, he or they, his or their aider or abettors and counsellors, upon conviction thereof, shall be judged guilty of felony, and be sentenced to imprisonment in the public jail in the county in which the offence has been committed, for a term not less than twelve months, and there remain until he or they shall make good all damages which the Bank may have sustained by his or their misconduct, and be fined at the discretion of the jury trying the offence, and shall forever thereafter be disqualified from holding any office of profit or trust in this State, and shall moreover be liable for the sum so embezzled.

Officers embezzling its funds.

Sec. 9. *And be it further enacted*, That it shall not be lawful for the directors, cashier, or other officers of the said Branch Bank, or any member of the general assembly to become security for each other, or any other person or persons at said Branch Bank.

Officers of the Bank & members of General Assembly not to endorse

Sec. 11. *And be it further enacted*, That it shall not be lawful for the said president and directors of the said Branch Bank, to commence operations, by discounting or issuing any notes or bills, until one half of the capital stock of said Branch Bank, shall be had in specie in its vaults.

When to commence discounting.

Sec. 11. *And be it further enacted*, That the total amount of the debts which the said Branch Bank shall at any one time owe, whether by bond, note, bill or contract shall not exceed twice the amount of its capital, over and above the monies then actually deposited in the Bank for safe keeping, unless the contracting of any greater debt shall have been previously authorised by law of this State; and in case of excess, the directors under whose administration it shall happen, shall be liable for the same in their private capacities, and an action of debt may, in such case, be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court of this State having jurisdiction, by any creditor or creditors of said Branch Bank, and may be prosecuted to judgment and execution, any condition covenant and agreement to the contrary notwithstanding; but

Debts of the Bank limited.

this shall not be so construed as to exempt said Bank, or the lands, tenements, goods or chattels of the same, and on their insufficiency, the State of Alabama from being also liable for, and being chargeable with the said excess: Such of the said directors who may have been absent when said excess was contracted or created, or who may have dissented from the resolution or act by which the same was contracted or created, may, respectively, exonerate themselves from being individually liable, by entering, if present, their dissent on the books of the Bank at the time the debt may be so contracted, and forthwith give notice of the same to the comptroller of the State.

Credit of the
State pledged

Sec. 12. *And be it further enacted*, That the credit of the State of Alabama is hereby pledged for the ultimate redemption and payment of all notes issued, and all debts contracted by said Branch Bank.

Collection of
debts reciprocal.

Sec. 13. *And be it further enacted*, That the remedy for collecting debts shall be reciprocal for and against the said Branch Bank.

Governor and
Commissioners
authorised to issue
State stock.
For what amount & term

Sec. 14. *And be it further enacted*, That the governor, comptroller and treasurer of the State, and president of the Bank of the State of Alabama, be and they are hereby authorised and required to issue certificates of State stock to an amount not exceeding two millions of dollars, to bear an interest not exceeding five per cent. per annum, payable semi-annually at the Branch Bank at Mobile, the Bank of the State of Alabama, or at such other place as may be agreed upon, redeemable at the expiration of thirty years, or at any time thereafter that the State may choose: *Provided*, that the certificates of stock shall be drawn in sums of from one to ten thousand dollars each; and it shall be the duty of the treasurer of the State to provide a suitable book and register the said certificates therein, and then deliver the same to the president and directors of said Branch Bank, taking their receipts for the same; and it shall be the duty of the said president and directors to cause said certificates to be sold for cash at not less than par value, and for such premium as they can command above their par value; and the sum to be realized shall be applied to, and compose the capital of said Branch of the Bank of the State of Alabama at Mobile.

Proviso.

Sale of certificates.

Revenue of
the State
pledged.

Sec. 15. *And be it further enacted*, That to secure the regular and punctual payments of the interest, semi-annually, and the ultimate redemption of said stock, all the revenue of the State (except the university fund, the three per cent. fund, and the fund arising from the sale of the sixteenth sections,) shall be and the same is hereby pledged, and in case of a deficiency, the faith of the State is hereby pledged to provide such additional means as may be necessary.

President and
directors of
the Bank of
the State to
appoint committee to
examine branch
Banks.
Committee's
duty.

Sec. 16. *And be it further enacted*, That it shall be the duty of the president and directors of the Bank of the State of Alabama, to appoint, annually, a committee or committees of not less than two of their board, whose duty it shall be to visit the several Branches of said Bank, annually, in the month of October, and at such other times as they deem proper, and make a thorough and minute investigation of the affairs, transactions and condition of said Branches; and the said committees are hereby invested

with all the powers with respect to said Branches, which the joint committees of the general assembly to examine the condition of the State Bank, have in reference to it; it shall be the duty of said committees to make full reports of their several examinations to the president and directors of the Bank of the State of Alabama, who shall report the same to the general assembly of this State, within the first week of each annual session.

SEC. 17. *And be it further enacted*, That each member of the committees contemplated by the foregoing section, shall receive four dollars for every thirty miles in travelling to and from said Branch Banks, and four dollars for every day that they may be engaged in the examination of said Branches.

Compensation of committee.

Approved, December 4, 1832.

[No. 2.]

AN ACT

To alter the time of holding the Courts of Commissioners' of Revenue and Roads of Washington county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the courts of commissioners of revenue and roads of Washington county, shall hereafter be holden on the third Mondays in January, April, August and November, instead of the time heretofore established by law.

Commissioners' court, when held.

Approved, December 1, 1832.

[No. 3.]

AN ACT

To amend and repeal an act entitled an act to prevent the introduction of slaves into Alabama and for other purposes approved, January 16, 1832.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the first, second, third, fourth, fifth, sixth, seventh, eighth, twentieth and twenty first sections of the before recited act, be and the same are hereby repealed.

Approved, December 4, 1832.

[No. 4.]

AN ACT

To change the times of holding the County Courts of Monroe county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county courts of Monroe county for civil business shall hereafter be holden on the third Mondays in January and the second Mondays in July, annually, instead of the times heretofore established by law.

County court, when held

Sec. 2. *And be it further enacted*, That all writs and other process returnable to the existing terms of said court, and all causes now depending in said court, shall be returnable to and stand for trial at the periods now prescribed by this act

Process.

Approved, December 5, 1832.

[No. 5.]

AN ACT

To repeal in part the several acts now in force in relation to the practice of Medicine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the second and eighth sections of an act to regulate the licensing of physicians to practice and for other purposes therein named, passed 22d December, A. D. 1823, be, and the same are hereby so far repealed, that neither of the aforesaid sections

Thompsonian system licensed.

Proviso.

shall be so construed as to prevent any person or persons from practising medicine on the Botanical system of Doctor Samuel Thompson, and recovering reasonable compensation for the same: *Provided*, that if the said persons practising on the Thompsonian or Botanical system shall bleed, apply a blister of spanish flies, administer calomel or any of the mercurial preparations, anti-mony, arsenic, tartaremetic, opium or laudanum, they shall be liable to the penalties of the act to regulate the licensing of physicians to practice and for other purposes therein named, approved, 22d December, 1823. Approved, December 12, 1832.

[No. 6.]

AN ACT

To increase the capital stock of the Branch of the Bank of the State of Alabama at the town of Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor, Comptroller and Treasurer of the State and president of the Bank of the State of Alabama, he and they are hereby authorised and required to issue certificates of State stock, to an amount not exceeding five hundred thousand dollars, to bear interest not exceeding five per centum per annum, payable semi-annually at the Bank of the State of Alabama or at such other place as may be agreed upon, redeemable at the expiration of thirty years, or at any time thereafter the State may choose; and said certificates of stock shall be drawn in sums of from one to ten thousand dollars each; and it shall be the duty of the Treasurer of the State, to provide a suitable book and register said certificates therein, and shall then deliver the same to the president or any committee of said Branch Bank, taking his or their receipts for the same; and it shall be the duty of the president and directors of said Branch Bank to cause said certificates of stock to be sold for cash at par and for the highest premium they can command above their par value; and the sums thus realized, shall be applied to and shall compose a part of the capital stock of said Branch Bank.

Governor and commissioners required to issue State stock.
For what amount & term

State Treasurer's duty.

Sale of certificates.

Revenue of the State pledged

Sec 2. *And be it further enacted*, That to secure the regular and punctual payment of the interest, semi-annually, and the ultimate redemption of said stock, all the revenue of the State, except the University fund, the three per cent fund and fund arising from the sale of sixteenth sections, shall be, and the same is hereby pledged, and in case of deficiency, the faith of the State is hereby solemnly pledged to provide such additional means as may be necessary.

Officers to give bond.

Sec. 3. *And be it further enacted*, That every president and cashier before he enters on the execution of his duty, shall give bond with two or more securities, in a sum not less than fifty thousand dollars, to the satisfaction of the directors, conditioned for his good behaviour, and the teller and clerks shall give security in a sum not less than ten nor more than twenty thousand dollars, which bond shall not be void upon any one or more recovery, conditioned as aforesaid.

President and directors to furnish General Assembly with an exhibit

Sec. 4. *And be it further enacted*, That it shall be the duty of the president and directors to furnish to the general assembly, within the first week of every session, statements of the amount of the capital of said Branch Bank, and of the debts due

to the same, of the moneys deposited therein, of the notes in circulation and of the cash on hand, together with all other property of said Branch Bank, both real and personal; and the general assembly shall have a right to inspect such general accounts in the books of the Branch Bank, as shall relate to the said statements, and shall, when it may be deemed necessary, appoint a joint committee of both Houses of the general assembly for that purpose, with full powers to send for persons and papers: *Provided*, that nothing in this clause shall imply a right of inspecting the deposits of any private individual or individuals, or any body politic or corporate with the Branch Bank.

but of the condition of the Bank.
General Assembly may inspect books of the Bank.

Sec. 5. *And be it further enacted*, That it shall not be lawful for the president, directors, cashier or other officers of said Branch Bank or any member of the general assembly, to become security for each other or any other person or persons at said Branch Bank.

Officers of the Bank or members of General Assembly not to endorse

Sec. 6. *And be it further enacted*, That hereafter the several Branches of the Bank of the State of Alabama, shall provide funds for the payment of the interest on the five per cent stock, of which their respective capitals are composed, and shall pay over the same to the order of the president of the Bank of the State of Alabama, semi-annually.

Branches of State Bank to provide funds for the payment of interest for their respective stock.

Approved, December 12, 1832.

[No. 7.]

AN ACT

To levy a tax upon the cattle of non-residents.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall and may be lawful for the judges of the county courts and the commissioners of roads and revenue for the counties of Henry, Dale, Covington, Conecuh and Pike to levy a tax not exceeding twenty five cents per head, on each and every head of stock cattle in their respective counties owned by any person or persons not a citizen or citizens of this State.

County courts of Henry, Dale, Covington, Conecuh and Pike to levy tax.

Sec. 2. *And be it further enacted*, That the tax collectors of the several counties above named, are hereby authorised and required to assess and collect the said taxes in the same manner that other taxes are collected by him and pay the same into the county treasuries of their respective counties.

Approved, December 13, 1832.

[No. 8.]

AN ACT

To repeal in part and amend an act to revise, consolidate and amend the several acts relative to Justices of the Peace and Constables, passed December 27 1814.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the seventeenth section of the above recited act be, and the same is hereby repealed.

Sec. 2. *And be it further enacted*, That hereafter whenever any property is taken by a constable, by virtue of an execution issued by a justice of the peace, he shall, on the defendant in execution or other person for him, giving bond and security, in double the amount of the plaintiff's demand, including all costs, for the forthcoming of said property on the day of sale, permit the property to remain in the possession of such person until the day of sale; and in case such property is not forthcoming agreeably to the con-

Property levied on by constable may be replevied.

Forfeited
bonds to have
the force of
judgment.

Execution.

dition of such bond, the constable shall endorse on such bond "forfeited," and return the same, together with the execution, in virtue of which it was taken to the justice of the peace who issued said execution; and every forthcoming bond so returned "forfeited" shall have the force and effect of a judgment; and the justice of the peace shall immediately upon the return of every such bond "forfeited," issue execution thereon against all the obligors in said bond, and shall endorse thereon "no security of any kind is to be taken on this execution," and the constable to whom the same may be delivered shall act accordingly, any law, usage or custom to the contrary notwithstanding.

Approved, December 15, 1832,

[No. 9.]

AN ACT

To authorise the Judges of the Supreme Court to grant certain writs therein mentioned.

Writs of in-
junction and
supersedeas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judges of the supreme court, be, and they are hereby authorised and required to grant writs of injunction and supersedeas in the same manner, and under the same regulations, as the judges of the circuit courts of this State are or may be authorised to grant the same.

Approved, December 15, 1832.

[No. 10.]

AN ACT

To authorise the Judge of the County Court and Commissioners of Roads and Revenue, of the County of Limestone, to levy a Tax for the building of a new Court-house in the Town of Athens, for said County.

County court
authorised to
build a court
house.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of roads and revenue, of the county of Limestone, be, and they are hereby authorised to appoint three commissioners, who shall have power to contract for, direct and superintend the building of a new court-house, of such description and dimensions, as they shall agree upon, with the approbation of the judge of the county court and commissioners of roads and revenue of said county.

Undertaker to
give bond.

Sec. 2. *And be it further enacted,* That the said commissioners shall take of the undertaker or undertakers, bond with sufficient security, payable to them as commissioners, in double the sum at which the building may be let, conditioned for the faithful performance of the work according to the plan by them devised, and in due time.

Tax authoris-
ed.

Sec. 3. *And be it further enacted,* That the county court of said county of Limestone, judge and commissioners of roads and revenue, be, and they are hereby authorised to levy such tax on the persons and property of said county, liable to taxation in other cases, as shall be sufficient to defray all the expenses to be incurred under this act: *Provided* said tax shall not exceed the State tax for any one year.

Circuit court
may adjourn
to any conve-
nient house.

Sec. 4. *And be it further enacted,* That the circuit courts of said county, shall have power to adjourn the court to such house as may be deemed most convenient and advisable, until said court house shall be erected.

Approved, December 15, 1832.

To establish certain Counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that tract of country, bounded as follows, to wit: Beginning at a point on the east bank of the Coosa river opposite the mouth of Will's creek, thence due east to the line dividing the State of Alabama from Georgia; thence along said line to the line between townships 16 and 17; thence due west along said line to the east bank of the Coosa river; thence up said river to the beginning; shall constitute one separate and distinct county, to be called and known by the name of Benton. Benton, boundary of

Sec. 2. *And be it further enacted,* That all that tract of country bounded as follows, to wit: Beginning at a point on the east bank of the Coosa river, where the line dividing townships 16 and 17 intersects with said river; thence along said line due east to the line dividing ranges 8 and 9 east of the meridian of Huntsville; thence south along said line to the line dividing Coffee's from Freeman's surveys; thence west along said line to the east bank of the Coosa river; thence up said river to the beginning; shall constitute one separate and distinct county, to be called and known by the name of Talledega. Talledega.

Sec. 3. *And be it further enacted,* That all that tract of country, bounded as follows, to wit: Beginning at a point where the line dividing townships 16 and 17 crosses the line dividing ranges 8 and 9 east of the meridian of Huntsville; thence east along said line to the eastern boundary line of the State; thence along said boundary line down to the line dividing Coffee's from Freeman's surveys; thence due west along said line to the aforesaid line dividing ranges 8 and 9; thence along said line due north to the beginning; shall constitute one separate and distinct county, to be called and known by the name of Randolph. Randolph.

Sec. 4. *And be it further enacted,* That all that tract of country bounded as follows, to wit: Beginning at the Montgomery line at or near the Wetumka falls on the Coosa river; thence running up said river to the line dividing Coffee's from Freeman's surveys; thence east along said line until it intersects with the township line dividing ranges 20 and 21; thence south along said line until it reaches the three mile stake of township 18; thence west to the Montgomery corner; thence west along said line to the beginning; which shall form and constitute one separate and distinct county, to be called and known by the name of Coosa. Coosa.

Sec. 5. *And be it further enacted,* That all that tract of country bounded as follows, to wit: Beginning at the range line dividing ranges 20 and 21, where it intersects the line of Coffee's and Freeman's surveys; thence south along said line until it reaches Tallapoosa river; thence up said river until it intersects with the line dividing townships 17 and 18; thence east along said line until it intersects the range line between ranges 22 and 23; thence north along said line until it reaches the township line dividing townships 18 and 19; thence east along said line until it intersects with the dividing line between ranges 23 and 24; thence north along said line until it reaches the township line dividing townships 19 and 20; thence east along said line until it Tallapoosa.

Chambers.

intersects the range line dividing ranges 24 and 25; thence north along said line until it intersects the line of Coffee's and Freeman's surveys; thence west along said line to the beginning; which shall constitute and form one separate and distinct county, to be called and known by the name of Tallapoosa.

Russell.

Sec. 6. *And be it further enacted*, That all that tract of country bounded as follows, to wit: Beginning at the range line where it intersects the line of Coffee's and Freeman's surveys between ranges 24 and 25; thence east along said line until it reaches the Georgia line; thence south along said line until intersects with the township line dividing townships 19 and 20; thence west along said line until it intersects with the township line between ranges 24 and 25; thence north along said line to the beginning; which shall constitute and form one separate and distinct county, to be called and known by the name of Chambers.

Macon.

Sec. 7. *And be it further enacted*, That all that tract of country bounded as follows, to wit; Beginning at the township line between townships 19 and 20 where it intersects with the Georgia line; thence west along said line until it reaches the range line dividing ranges 26 and 27; thence south along said line until it intersects the township line between townships 17 and 18; thence west along said line until it reaches the three mile stake in range 26; thence south through the centre of range 26, and townships 17, 16, 15 and 14, where it intersects the township line between townships 13 and 14; thence east along said line to the Georgia line; thence north along said line to the beginning; which shall constitute and form one separate and distinct county, to be called and known by the name of Russell.

Sec. 8. *And be it further enacted*, That all that tract of country bounded as follows, to wit: Beginning at the north east corner of township 19, range 26; thence west along said line, until it intersects the range line, dividing ranges 23 and 24; thence south along said line, until it reaches the township line between townships 18 and 19; thence west along said line to the dividing line between ranges 22 and 23; thence south along said line, until it intersects the township line dividing townships 17 and 18; thence west along said line until it reaches the Tallapoosa river; thence down said river until it intersects the Montgomery line, at or near the mouth of Line creek; thence south east along said Montgomery line until it reaches the township line dividing townships 13 and 14; thence east along said line, until it reaches the three mile stake in range 26; thence north through the centre of townships 14, 15, 16 and 17, until it reaches the township line dividing townships 17 and 18; thence east along said line until it intersects the range line dividing ranges 26 and 27; thence north along said line to the beginning; which shall constitute and form one separate and distinct county, to be called and known by the name of Macon.

T. 17 and 18
w. of Talapoo
sa, R. 20, at-
tached to
Montgomery
county.

Sec. 9. *And be it further enacted*, That the fractional townships 17 and 18, on the west side of the Tallapoosa river in range 20 not heretofore attached to any county, be and the same are hereby attached to the county of Montgomery.

Sec. 10. *And be it further enacted*, That all that tract of country, bounded as follows, to wit: Beginning at the dividing

line on the Chattahoochie river between townships 13 and 14 thence west along said line, until it intersects the road leading from Kendal Lewis' old stand to Pensacola; thence south along said road until it strikes Pea river near Burford's old stand; thence down said river to the Dale county line; thence along said line until it intersects the Henry county line; thence along said line until it strikes the Chattahoochie river; thence up said river to the beginning, which shall form and constitute one separate and distinct county, to be called and known by the name of Barbour.

Sec. 11. *And be it further enacted*, That all that tract of country, lying south of the dividing line between townships 13 and 14, and west of the Pensacola road leading from Kendal Lewis' old stand, be, and the same is hereby attached to the county of Pike. Certain territory attached to Pike.

Sec. 12. *And be it further enacted*, That all that territory north of the first sectional line, at or below the junction of the Sipsey and Tombeckbee rivers, running due west to the Mississippi line, be attached to and form a part of the county of Pickens. To Pickens.

Sec. 13. *And be it further enacted*, That all that territory bounded as follows, to wit: Beginning at the aforesaid line at or below the junction of the Sipsey and Tombeckbee rivers, and running down the Tombeckbee river as far south as the line between the 13th and 14th townships; thence due west along the aforesaid line to the Mississippi line; thence north along said line to the county of Pickens; thence east to the beginning, shall form one separate and distinct county, and known and called by the name of Sumpter. Sumpter.

Sec. 14. *And be it further enacted*, That all that territory lying south of the line between townships 13 and 14, and west of the Tombeckbee river, extending as far as the Mississippi line, be added to and compose a part of the county of Washington. To Washington.

Sec. 15. *And be it further enacted*, That all that territory lying in the following bounds, to wit: Beginning at the southwest corner of the county of Franklin, and running in a westwardly direction, so as to be in a direct line with the line which now divides the counties of Franklin and Marion, until it strikes the Mississippi line; thence northward along said line to the Tennessee river; thence up said river to the northwest corner of the county of Franklin, shall be attached to and compose a part of the county of Franklin. To Franklin.

Sec. 16. *And be it further enacted*, That all that territory lying in the following bounds, to wit: Beginning at the northwest corner of the county of Marion, and running in a westwardly direction to the Mississippi line; thence south along said line to where the same strikes the county of Marion, be attached to and compose a part of the county of Marion. To Marion.

Sec. 17. *And be it further enacted* That all acts and parts of acts coming within the meaning and purview of this act, be, and the same are hereby repealed. Repealed.

Approved, December 18, 1832.

[No. 12.]

AN ACT

More particularly defining the power of the Commissioners of Roads and Revenue in certain cases therein specified.

Commissioners of R. and R. may authorise the opening of any road of public utility, in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall and may be lawful for the commissioners of roads and revenue of the different counties in this State, to authorise the opening of any road or roads which they may conceive to be of public utility, running parallel with any turnpike road or roads, which may run through their respective counties, wherein the limits of said turnpike roads are not defined by the charter granting the privileges of the same: *Provided,* That no road or roads so opened by said commissioners, shall approach nearer than three miles on either side of said turnpike roads.

Owners of turnpike roads not to receive toll for travelling on any road opened under the 1 sec. of this act.

Sec. 2. *And be it further enacted,* That if any owner of such turnpike roads shall collect or receive any toll from any person or persons, who may travel any road or roads which may be opened by the commissioners in conformity to the provisions of the first section of this act, he, she or they so offending, shall forfeit and pay for every such offence the sum of ten dollars, recoverable with costs before any tribunal having competent jurisdiction thereof, which amount so collected shall be paid, one half to the informer, and the other half to the use of the county, wherein such offence may be committed.

Approved, December 18, 1832.

[No. 13.]

AN ACT

Further to provide for the Election of Electors of President and Vice President of the United States.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in all elections for President and Vice President of the United States, where the whole number of electors shall not attend at the place appointed for giving in their votes on the day of election, it shall be the duty of those in attendance, before they proceed to vote, to appoint so many additional electors as may be absent, either by death, refusal to act, removal from the State or any other cause. And the electors so appointed, shall proceed to vote in the same manner as if elected by the people, any law, usage or custom to the contrary notwithstanding.

Approved, December 21, 1832.

[No. 14.]

AN ACT

To authorise the County Courts of Roads and Revenue to change State Roads running through their respective counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the courts of roads and revenue in the several counties in this State, be, and they are hereby authorised to change the route of any State road which may run through their respective counties, when the same can be done the better to subserve the public convenience: *Provided,* that such change shall be made in the same manner that changes are required to be made in county roads; *Provided also,* that no change shall be made in any State road at the point where the same may cross county boundaries, unless the adjoining county will make a correspond-

Approved, December 21, 1832.

[No. 15.]

AN ACT

To change the time of holding the County Courts of Lauderdale county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the county courts of Lauderdale county for the trial of civil causes, shall be holden on the fourth Mondays in January and July in each and every year, and said courts shall continue in session twelve judicial days at each term should the business of said court require the same.

County court,
when held.

Sec. 2. *And be it further enacted,* That all writs and other process which have been issued or may hereafter be issued, returnable to said court on the first Monday in June next, shall be deemed in law returnable to said court on the fourth Monday in July next.

Process, when
returnable.

Sec. 3. *And be it further enacted,* That all acts contrary to the provisions of this act, be, and the same are hereby repealed.

Approved, December 21, 1832.

[No. 16.]

AN ACT

To reduce the damages on Bills of Exchange purchased by the Bank of the State of Alabama or either of its Branches.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter upon all bills of exchange or drafts drawn by any person or persons in this State, and payable at any place within this State, and upon all bills of exchange or drafts drawn by any person or persons in this State, upon any person or persons either in or out of this State, and payable at any bank or other place in the city of New Orleans, that may be purchased or discounted by the Bank of the State of Alabama or any branch thereof, and which may be protested for non-acceptance or non-payment, the damages shall be five per cent and no more.

Five per cent.
damages.

Approved, December 21, 1832.

[No. 17.]

AN ACT

Regulating the time of making payments upon Lands sold at the Land Office in Courtland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the fourth instalments due upon lands sold at the land office in Courtland, shall be divided into two equal annual payments; the first of which, shall be paid when said instalment, by the terms of the purchase, becomes payable; and the other part of said instalment, shall be due and payable twelve months thereafter.

Fourth instal-
ment divided.

SEC. 2. *And be it further enacted,* That the fifth and last instalment due upon said lands shall not be required until twelve months after the time herein allowed for the payment of the last half of the fourth instalment, any law to the contrary notwithstanding.

Fifth instal-
ment.

Approved, December 21, 1832.

[No. 18.]

AN ACT

To repeal in part an Act entitled an Act to raise a revenue for the support of Government until otherwise altered by law, passed January 20, 1832.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section of the act of January 20, 1832, entitled an act to amend an act to raise a revenue for the support

Repeal.

of government until otherwise altered by law, be, and the same is hereby repealed.

License
hawkers. to

Sec. 2. *And be it further enacted*, That there shall be paid for each license granted to any hawker or pedlar of clocks, or other goods, wares and merchandise of any kind whatever, in each county, the sum of fifty dollars; and in case any hawker or pedlar shall barter, exchange or sell, either absolutely or for a limited time any clock or clocks, or other goods, wares or merchandise of any kind whatsoever, without first taking out license agreeably to the provisions of the laws in relation to other hawkers and pedlars, he shall forfeit and pay two hundred dollars, to be recovered in an action of debt, one half to the use of the State, and the other half to the use of the informer; and all bonds, notes, or promises made to any hawker or pedlar as aforesaid, the consideration of which shall be for any clock or clocks, or other goods, wares or merchandise of any kind whatsoever, shall be utterly void, unless the party selling the same, shall have first procured a license to sell as aforesaid.

Penalty.

Approved, December 21, 1832.

[No. 19.]

AN ACT

For the relief of Witnesses and Jurors.

Clerks not to
demand fees
from jurors
for certifying
attendance.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall not be lawful for the clerks of the circuit or county courts to demand or receive any fees for swearing and certifying the attendance of any jurors in their respective courts.

Nor for wit-
nesses.

Sec. 2. *And be it further enacted*, That said clerks shall not be entitled to demand a fee from any witness for swearing or certifying his attendance as a witness, but the fee for such service shall be taxed in the bill of costs, and collected as the other costs may be.

Fee to be tax-
ed in bill of
cost.

Approved, December 21, 1832.

[No. 20.]

AN ACT

To amend an Act entitled an Act defining the liability of endorsers, and for other purposes, approved January 15, 1828.

Bonds and o-
ther instru-
ments paya-
ble in Bank
governed by
the law mer-
chant.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That bonds and other instruments payable in Bank, shall be governed by the rules of the law merchant, as to days of grace, demands, and notice in the same manner that bills of exchange and notes payable in Bank now are.

Approved, December 21, 1832.

[No. 21.]

AN ACT

To establish a State Road from Tuscaloosa to Montgomery.

Route of road

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a State road be, and the same is hereby established from Tuscaloosa, by way of Centreville, to the town of Montgomery.

Commission-
ers appointed

Sec. 2. *And be it further enacted*, That Milton Kesee, and Jolly Jones, of the county of Tuscaloosa; Samuel W. Davidson, Calvin Glasscock and Burton Rucker, of the county of Bibb; Enoch Eilands, Joel Floyd and Malcom Smith, of the county of

Autauga, be, and they are hereby appointed commissioners to view and mark out the said road, the nearest and best way the nature of the country will permit, from Tuscaloosa to Centreville, in the county of Bibb; thence to Maplesville, in said county; thence to the town of Montgomery, by way of Kingston, in Autauga county.

Route of road

Sec. 3. *And be it further enacted*, That the commissioners aforesaid, before entering on the duties herein assigned them, shall, before some judge or justice of the peace, take and subscribe the following oath, to wit: I, A. B., do solemnly swear that I will faithfully, and to the best of my knowledge and judgment, view, mark out, and report the nearest and best way for such portion of the State road from Tuscaloosa to Montgomery, as lies within the district to which I am appointed. So help me God. Which oath shall be filed in the clerk's office of the county court of the county in which the greatest part of said district may be.

Oath of commissioners.

Sec. 4. *And be it further enacted*, That it shall be the duty of said commissioners, immediately after completing the view and examination of said road, to make out a detailed report of the way which they have selected and marked out for said road, and transmit the said report to the judge of the county court of the proper county; and it shall be the duty of the county court of the respective counties through which the said road shall pass, immediately after receiving the report of said commissioners, to divide the said road into a suitable number of precincts, and appoint overseers thereon: And it shall be the duty of the overseers so appointed, to cut, open, and clear out said road, in the manner required by law for roads of the first grade: and shall be liable to the same fine and penalties for neglect of duty, as the overseers of other public roads, and recoverable in the same manner; and all persons liable to work on public roads, and living within the distance now provided by law, shall be liable to work on the road hereby established, and shall be liable to the fines and penalties for a failure or neglect, as they would be liable to for a failure or neglect to work on other public roads, and recoverable in the same manner.

Commissioners to make report.

Co. court to divide road into precincts & appoint overseers.

Overseers duty.

Who liable to work on road

Sec. 5. *And be it further enacted*, That if any of the aforesaid commissioners should die, remove or refuse to act, it shall be the duty of the judge of the county court of the proper county, to fill such vacancy, and the person so appointed, shall take the same oath and perform the same duties as the commissioners appointed by the previous sections of this act.

Vacancies, how filled.

Sec. 6. *And be it further enacted*, That the above named commissioners shall be each allowed two dollars per day for his services; to be paid out of the county treasury of the county to which he belongs, out of any moneys not otherwise appropriated.

Compensation.

Approved, December 21, 1832.

[No. 22.]

AN ACT

Supplemental to an act incorporating the Tusculumbia, Courtland and Decatur Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That should the Tusculumbia, Courtland and Decatur rail road company not be enabled to complete said road within

Charter not to be forfeited for the part completed.

Company may branch railroad.

Proviso.

Further proviso.

the time prescribed by their charter; but should complete a part and have and keep the same in useful operation, they shall not forfeit their charter for the part so completed and kept in operation; but shall have the same continued to them, for the part so finished and kept in repair.

Sec. 2. *And be it further enacted*, That said company, if they think proper, shall have power to branch said rail road before the whole shall be finished, to any point they may deem useful for the getting of stone, timber or other material; but shall not be compelled to branch the same, unless a majority of two thirds of the stockholders shall determine that such is useful and for the benefit of the stockholders: *Provided*, said company shall not have power by this act to condemn lands for making any of the branches herein authorised, nor shall said company ever charge toll upon any of them; and said company shall continue said work to Decatur, with as little delay as may be practicable; *And provided further*, that this act shall not be so construed as to deprive any individual of rights to which they were entitled before the passage hereof: *And provided further*, that no branch of said rail road shall be extended to the Tennessee river at any point below Decatur, until the main stem of said road shall be completed as contemplated in the original charter, or within ten years from the commencement of said work. Approved, December 21, 1832.

[No. 23.]

AN ACT

To amend an act entitled an act to extend the powers of the County and Orphans' Court in certain cases and for other purposes, approved, January 16, 1830.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act it shall be the duty of the county courts on final settlements of executors, administrators and guardians, to assess and insert in their decree, the amount of their distributive share.

County courts on final settlement to assess and insert the amount of distribution.

Remedy against executors, administrators and guardians.

Sec. 2. *And be it further enacted*, That whenever any execution shall have issued, or any decree made by the orphan's court, and final settlement of the accounts of executors, administrators or guardians, and is returned by the sheriff "no property found," generally or as to a part thereof, execution may and shall forthwith issue against the securities of such executor, administrator or guardians.

Approved, December 21, 1832.

[No. 24.]

AN ACT

To establish a State road from the town of Tuscaloosa to the Mississippi state line in the direction of Jackson in the State of Mississippi.

Com'rs. appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Foster of the county of Tuscaloosa, Wright Manning of the county of Pickens, William Patton of the county of Greene and John C. Whitsett of the county of Sumpter, or a majority of them, be, and they are hereby appointed commissioners to view and mark out a way for a road, to commence at the town of Tuscaloosa, and to run from thence the nearest and best route to the line dividing the State of Alabama and Mississippi, in the direction of Jackson in the State of Mississippi.

Sec. 2. *And be it further enacted*, That before the said com-

missioners enter upon the duties assigned them by this act, they shall take and subscribe the following oath, to wit: I ——— do solemnly swear that I will faithfully and to the best of my judgment, view, mark out and report the best and most direct way for a road, to lead from Tuscaloosa to the line dividing the State of Alabama and Mississippi, in the direction of Jackson in the State of Mississippi, in conformity to the act under which I am appointed. So help me God.

Oath of commissioners.

Sec. 3. *And be it further enacted*, That it shall be the duty of said commissioners, after completing the said view, to make out a report of the same, which report they shall transmit to the judge of the county court of the respective counties through which the said road will pass, and it shall be the duty of the said judges to appoint a sufficient number of overseers, whose duty it shall be respectively to open and mark out the said road as now provided for by the existing laws now in force upon that subject, and all hands now liable to work on roads, living within five miles of the road hereby established, are hereby made liable to work on said road.

To report to the co. court of each county thro' which the road may pass.

Overseers to be appointed.

Sec. 4. *And be it further enacted*, That the said commissioners shall receive as compensation for their services, on making such view and report, the sum of two ——— dollars per day, an equal proportion of which shall be paid out of the treasury of the counties through which the said road will pass: *Provided, however*, that said road shall cross the Tombeckbee river at some point below its junction with the Oaknoxobie river.

Compensation of com'rs

Provide.

Approved, December 28, 1832.

[No. 25.]

AN ACT

To enable Sheriffs and Coroners to take recognizances in certain cases therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter when any sheriff, deputy sheriff or coroner, shall execute a *capias* upon any person charged by indictment or presentment, with an offence against the laws of this State, and wherein bail before a justice of the peace by law is allowed to be taken, such sheriff, deputy sheriff or coroner, as the case may be, shall be authorised to take the recognizance of the defendant and security or securities for his, her or their appearance at court, to answer to the charge against him, which recognizances shall by the officer taking them, be returned to the proper court, certified in the same manner, and shall have the same effect as if taken before a justice of the peace, or judge; and the sheriff, deputy sheriff or coroner, taking the same, shall receive the same compensation which is allowed justices of the peace for like services, and shall be liable to the same penalties for failing to return the same to court.

Mode of taking recognizances.

Approved, December 28, 1832.

[No. 26.]

AN ACT

For the sale of State Stock.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That George S. Gaines, president of the Branch of the Bank of the State of Alabama in the city of Mobile, be, and

G. S. Gaines authorised to sell certain

State stock.

he is hereby authorised to make a contract for the sale of the State bonds, authorised by law to be issued, to the amount of one million of dollars, for the establishment of a Branch of the Bank of the State of Alabama in the Tennessee valley; and also the bonds to the amount of five hundred thousand dollars, for the increase of the capital of the Branch Bank in the town of Montgomery, any law to the contrary notwithstanding.

Approved, December 29, 1832.

[No. 27.]

AN ACT

To educate children in certain cases.

Chancery courts in cases of separation between man and wife may assign children to either.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the courts of chancery in this State, shall have power in all cases of separation, between man and wife, and neither party shall obtain a divorce, to give the custody and education of the children, to either the father or mother, as to them may seem right and proper, having regard to the prudence and ability of the parents, and the age and sex of the child or children.

Approved, January 1, 1833.

[No. 28.]

AN ACT

To provide for the printing and distributing of the Laws and Journals of the extra session of the General Assembly of the State of Alabama, for 1832.

Acts & Journals of the extra session, how distributed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the State printer, for the year 1832, be, and he is hereby required to print and distribute the laws and journals of the extra session of the legislature of this State, in the same manner that he is required by law, to print and distribute the laws and journals of the annual session.

Sec. 2. *And be it further enacted,* That the journals of the senate for the extra session, shall be stitched together in one pamphlet, and the journals of the house of representatives in one. The acts of each session shall also be stitched in the same pamphlet; those of the extra session being properly distinguished from those of the annual session.

Compensation to State Printer.

Sec. 3. *And be it further enacted,* That for the additional services hereby required of the State printer, he shall be allowed the sum of three hundred and fifty dollars, for which the comptroller will issue his warrant to the State treasurer, as soon as the secretary of state shall give a certificate, that the printing of the laws and journals of the extra session is completed.

Approved, January 1, 1833.

[No. 29.]

AN ACT

Providing for the completion of the State Capitol and for other purposes.

Appropriation to State Capitol.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of eighteen hundred and forty dollars, be, and the same is hereby appropriated for the purpose of completing the State capitol, to be drawn from the treasury, by a warrant from the comptroller, in favor of the commissioners of the State capitol, to be paid out of any money in the treasury, not otherwise appropriated.

Sec. 2. *And be it further enacted,* That the commissioners

of the State capitol shall make report to the next legislature of their proceedings, and of the application of the above appropriated sum.

Approved, January 1, 1833.

Commissioners to make report to the Legislature.

[No. 30.]

AN ACT

Specifying the distance of residence from the seat of Justice, that the Judges of the County Courts of certain counties therein named, may reside.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the third Monday in November next, the judges of the county courts of Blount and Covington counties, shall reside within five miles of the court houses of said counties.

Judges of Blount and Covington counties shall reside within five miles.

Sec. 2. *And be it further enacted,* That whenever the judge or judges of any or either of the counties named, in the first section of this act, shall or may remove without the limits specified by this act, shall vacate his or their offices.

Penalty.

Approved, January 2, 1833.

[No. 31.]

AN ACT

To provide for Printing an additional number of the Acts and Journals for the use of certain Counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the State printer be, and he is hereby required by this act to print and distribute among the counties hereinafter named, two hundred copies of the acts, ninety copies of the journals of the house of representatives, and sixty-eight copies of the journals of the senate, of the present session of the general assembly, in addition to the number he is now required by law to print, which shall be set apart for, and distributed under the same rules and regulations that now govern the distribution of the acts and journals in other counties, in the counties following, to wit; Lowndes, Benton, Talledega, Coosa, Tallapoosa, Randolph, Chambers, Russell, Sumpter, Macon and Barbour.

No of additional acts and journals to be printed and distributed by State printer.

Sec. 2. *And be it further enacted,* That as compensation to the State printer for the extra services required by this act, he shall be allowed the sum of two hundred and fifty dollars, to be paid out of any money in the treasury not otherwise appropriated, under the same rules, regulations and restrictions, that are now provided for the payment of the said annual salary.

Compensation.

Approved, January 2, 1833.

[No. 32.]

AN ACT

More particularly to define the duties of the Secretary of State, in relation to the arrangement and Printing of the Acts of each Session of the General Assembly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the secretary of state, in preparing the laws passed at each session of the general assembly for publication, to arrange them in two divisions; the first division to embrace all such as are general and public; the second, those which are local or private; and to provide a separate index for each division.

Laws, how to be arranged.

Sec. 2. *And be it further enacted,* That the laws and acts in each division, shall be inserted in the exact chronological order

in which they have been approved, and numbered consecutively, commencing from the first law or act in each division.

Approved, January 3, 1833.

[No. 33.]

AN ACT

To amend an act to Incorporate and empower Religious Societies of every denomination to hold real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall not be necessary for religious societies or churches to have their articles of government recorded in the office of the clerk of the county court; but they shall be entitled to all the benefit of the act to which this is an amendment, on depositing with the clerk of said court a copy of the articles of government, and having recorded as in said act directed, the names of their leaders or trustees. Approved, January 5, 1833.

[No. 34.]

AN ACT

To revive in part and amend an act to allow Trustees of the State University, pay for their services, passed, December 26th, 1822.

Revived.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first section of the above recited act, be and the same is hereby revived and continued in force.

Trustees to be paid out of University fund

Sec. 2. *And be it further enacted,* That the allowances to the said trustees shall be paid out of the University fund: *Provided, however,* that the said trustees who are members of the legislature, shall not receive any pay for their services as trustees, whilst they are in attendance as members of the legislature.

Approved, January 5, 1833.

[Nov. 35.]

AN ACT

To repeal in part an Act therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the third section of an act passed the 14th day of January, 1825, entitled an act to fix the salary of the president of the Bank of the State of Alabama, and for other purposes, be, and the same is hereby repealed.

Repealed.

Members of General Assembly not to be security in the Bank of the State or any of its branches.

Sec. 2. *And be it further enacted,* That hereafter no member of the general assembly shall become security for each other, or for any other person, upon any note to be offered at the Bank of the State of Alabama, or any of its branches.

Approved, January 5, 1833.

[No. 36.]

AN ACT

For classing causes in the Circuit Court of Mobile County.

Causes, in what order to be classed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the presiding judge of the circuit court of Mobile, shall, at each and every term of the said court, try causes in the following order, to wit: Appeals from justices of the peace; appeals from the county court; actions of assumpsit; actions of debt, covenant and detinue during the first week of the term. The State docket shall be taken up on Monday of the second week and disposed of, when the residue of the actions of assumpsit, debt, covenant and detinue, if any there be, shall be

tried, dismissed or continued; when land cases, (so called) and all other cases remaining on the common law docket shall be called in their order and disposed of. That motions shall then be heard and determined, and the term shall close with the trial of all chancery business: *Provided*, that by agreement and consent of the judge, any case may be tried out of its order.

Approved, January 5, 1833.

[No. 37.]

AN ACT

To annex a part of the County of Monroe to the County of Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That section thirty-six in township ten, and range eleven, of Monroe county, shall be annexed to and form a part of the county of Butler.

Part of Monroe attached to Butler.

Approved, January 5, 1833.

[No. 38.]

AN ACT

Regulating the time of service of State Printer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the term of service of the State printer, shall commence on the eighteenth day of January, in each and every year, and shall continue for twelve months.

State printer term of service.

Sec. 2. *And be it further enacted*, That three hundred dollars of the salary of the State printer shall be retained until the expiration of the year, for which he or they shall be elected.

Part of salary to be retained.

Sec. 3. *And be it further enacted*, That before entering on the duties of his or their station, he or they shall enter into bond payable to the governor of the State, and his successors in office, with at least two approved sureties, in the penal sum of five thousand dollars, conditioned in substance, as follows: The condition of the above obligation is such, that whereas A. B. has been elected State printer for the State of Alabama, for one year, from and after the eighteenth day of January: Now, if the said A. B. shall well and truly perform all the duties which, by law, appertain to the office aforesaid, during the time for which he was elected, then the said obligation to be void, else to remain in full force and virtue; which bond shall be deposited in the office of secretary of state.

To give bond.

Approved, January 8, 1833.

[No. 39.]

AN ACT

To prevent frauds in the sale of Oil, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter all oils sold under the various names, of sperm, lamp, summer, fall and winter oils, shall be deemed and held to be pure sperm oil.

What deemed oil.

Sec. 2. *And be it further enacted*. That the test of pure sperm oil is hereby declared to be Southworth's Oleometer; and that the same shall be the standard by which the qualities of oils sold within this State shall be ascertained.

Test of sperm oil.

Sec. 3. *And be it further enacted*, That all oils sold under the names of sperm, lamp, summer, fall and winter oils, which shall be adulterated from pure sperm oil, shall be deemed and held to be whale oil; and whenever any person or persons, shall sell to any other person or persons, any of the oil or oils, commonly known

Pe alt for as the ting sperm oil.

Proviso.

under the name or names specified in the first section of this act which have been adulterated by a mixture of whale oil, or inferior oils, shall forfeit and pay to the person or persons buying the same, for each and every such offence, the difference in value, between pure sperm oil and whale oil: And further, the vender or venders of such adulterated oils, shall forfeit and pay to the purchaser or purchasers thereof, for every offence, the sum of thirty dollars, together with costs, to be recovered before any justice of the peace within the county, where the offence shall have been committed: *Provided, always*, that if, at the time of sale, the vender or venders, disclose to the purchaser or purchasers, the amount of adulteration in the oils sold, then and in such case the said vender or venders shall forfeit nothing by the sale of the same.

Corporate authorities of Mobile to appoint inspectors of oil, flour salt and fish.

Penalty for fraud in sale of brown sugar.

Sec. 4. *And be it further enacted*, That the mayor and aldermen of the city of Mobile, are hereby authorised and empowered to appoint inspectors of oil, and also an inspector of flour, salt and fish, for the said city of Mobile.

Sec. 5. *And be it further enacted*, That hereafter should any person or persons, his, her or their agent, be guilty of a fraud in the packing or sale of brown sugar, by mixing the same with sand or other matter or thing calculated to injure the value, quality, or sale thereof, he, she or they so offending, shall be deemed and held in law guilty of a fraud, and upon indictment and conviction for the same, in any court in this State having jurisdiction thereof, shall for each and every such offence, be subject to a fine of not less than one hundred, nor more than five hundred dollars, and be imprisoned not less than one nor more than three months, in the common jail of the county, in which such conviction may take place.

Injuries by fraud in sugar how remedied.

Sec. 6. *And be it further enacted*, That should any person or persons, hereafter be injured by the fraudulent packing or sale of brown sugar, as mentioned in the first section of this act, he, she or they so injured, his, her or their attorney shall have and be entitled to a *qui tam* action against the party so offending, in which action the damages shall never be less than five hundred nor more than two thousand dollars; one half to go to the use of the party injured, and one half to the use of the State.

Approved, January 9, 1833.

[No. 40.]

AN ACT

To provide for the transfer of Stock issued by the State, and for the renewal of lost certificates thereof.

State stock assignable by endorsement.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the certificates of stock created in obtaining loans for the use of the State in pursuance of any of the laws heretofore passed for that purpose, and of all stock which may hereafter be created by the State, shall be assignable by endorsement made by the legal holder thereof, or by transfer in a book or books of the Bank of the State of Alabama, made by the legal holder, or his attorney authorized by power duly authenticated: and it shall be the duty of the president and directors of said Bank, to cause books to be kept for the purpose aforesaid; wherein also shall be kept an account of the said stock, and of all payments of principal

and interest thereon, and of renewed certificates of stock, that may be issued in virtue of this act.

Sec. 2. *And be it further enacted*, That in case any of the said certificates shall be lost or destroyed, the same may be renewed in the manner following, to wit: Proof of such loss or destruction, and an affidavit declaring the property therein to be *bona fide* in the applicant for renewal, shall be made before a judge of the circuit court of this State, or of any State of the United States, or before a judge of the supreme or any district court of the United States, which proof shall be certified by such judge, together with his opinion that the same is satisfactory; and the legal proprietor of the lost or destroyed certificate shall execute a release of his interest therein, in consideration of a new certificate of stock, to be issued for the same amount and with like effect; which release shall be filed and recorded in a book kept for that purpose by the treasurer of the State; and it shall also appear that notice of the intended application shall have been given in a public newspaper in the State where the loan may be effected, for three months immediately before application for a renewed certificate shall be made; whereupon it shall be the duty of the governor of this State for the time being, the comptroller, treasurer, and president of the Bank aforesaid, to issue new certificates of stock, in lieu of those which may be lost or destroyed; which renewed certificates shall express on their face, a description of the original, and that the same have issued in lieu of such original: and renewed certificates of stock so issued, shall be equally valid, and shall be assignable in like manner as the original certificates, in lieu of which they shall have issued.

manner of renewing lost certificate.

Sec. 3. *And be it further enacted*, That no renewed certificate of stock shall be granted, in favor of an assignee of a lost or destroyed certificate, unless he appear to be such assignee by transfer in the books kept at the Bank of the State of Alabama, conformably to the requisitions of the first section of this act; or in case the assignment be by endorsement, unless such endorsement shall have been duly attested by the cashier of some specie-paying bank of the State where the loan may be effected; whereby in every case it shall be manifest that the person applying is the proper assignee; nor shall any payment of principal or interest be made to any assignee of a certificate of stock, unless such person appear to be the assignee in the manner provided by this act.

Renewal for assignee how regulated.

Sec. 4. *And be it further enacted*, That all laws heretofore passed in relation to the transfer, and renewal of certificates of stock, are hereby repealed: *Provided*, that twelve months be allowed for the promulgation of this law in the other States, and that any proceedings which may be had in any other State, within twelve months next after the passage hereof, under the laws or any of them in force up to the time of the passage of this act, shall be as valid, as if this act had not passed.

Repeal.

Proviso.

Approved, January 9, 1833.

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AN ACT

[No. 41.]

To change the time of holding the County Courts of Morgan and Tuscaloosa counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly con-*

of Morgan and Tuscaloosa when held.

Repeal.

of Butler when held.

vened. That from and after the tenth day of March next, the county courts of Morgan and Tuscaloosa counties shall commence on the third Mondays in July and January, in each and every year, and continue in session until all the business is disposed of, and all process heretofore issued, shall be returnable accordingly.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Sec. 3. *And be it further enacted,* That the county courts of Butler county for the trial of civil causes shall hereafter be holden on the fourth Monday in January and the first Monday in June, in each and every year, in lieu of the times now designated by law, and every process returnable to and be disposed of at the times herein established.

Approved, January 9, 1833.

[No. 42.]

AN ACT

To provide for legitimating bastard children, and to authorise the change of names.

Mode of legitimating.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly* *vened,* That hereafter whenever the father of any bastard child or children, shall desire to render any such bastard child or children legitimate so as to enable them to inherit his estate in the same manner as children born in lawful wedlock do, it shall be lawful for any such father to file in open court, in either the county or circuit court of the county in which he resides, a declaration or statement in writing, setting forth the names of the children proposed to be rendered legitimate, their ages as nearly as may be, the name of their mother, that they are his natural children, and that he thereby recognizes them, and makes them capable of inheriting his estate in the same manner as if they had been born in lawful wedlock, which declaration shall be signed by the person making it, attested by the clerk of the court in which it is filed, and entered at full length of record: whereupon the said child or children in any such declaration, shall become the legitimate child or children of the person making such declaration, and be capable in law of inheriting his estate in the same manner as if they had been in lawful wedlock: And if, at the time of filing any such declaration, the person filing the same shall desire to change the name of any child or children therein mentioned, he shall set forth the fact, together with the name to which he desires the change to be made; whereupon, the name shall be changed accordingly, and the latter name shall become the lawful name of any such child or children.

Effect thereof.

Names of, how altered.

Any person may alter his or her name.

Sec. 2. *And be it further enacted,* That when any person shall desire to change his or her name, he or she shall file in the county or circuit court of the county in which he or she resides, a declaration or statement in writing, setting forth his or her then name, and the name to which he or she desires to change it; which declaration shall be subscribed by the person making it, with his or her then name, attested by the clerk and entered at full length of record; whereupon, the name of such person shall be changed accordingly, and the latter name shall thereupon become the lawful name of such person: *Provided, nevertheless,* that any such person shall, notwithstanding such change, be liable for five years, to be sued by his or her original name; unless when a contract in

Proviso.

writing shall be made with him subsequent to his change of name, in which his latter name shall be recognized, or to which it shall be subscribed.

Sec. 3. *And be it further enacted*, That for attesting and recording the declaration in the first and second sections of this act, the clerk of the court in which they are filed shall be entitled to one dollar each; and when such declarations are filed in the county court of any county, the judge of said court shall be entitled to the like sum for each declaration to be paid by the party filing the same.

Fees of clerk, &c. for attesting, &c.

Approved, January 9, 1833.

[No. 43.]

AN ACT

To provide for the translating and recording of the British, French and Spanish Records of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the governor, immediately after the passage of this act, to appoint some competent person, whose duty it shall be to translate and to transcribe all the British, French and Spanish records, within the limits of this State, and to record the same in a well bound book, to which shall be annexed, an alphabetical index; and to place one copy of the same, in the office of the clerk of the county court of Mobile, one copy in the land office at St. Stephens, and one copy in the office of the secretary of state.

Governor to appoint translator.

Sec. 2. *And be it further enacted*, That the person so employed, before entering upon the duties hereby assigned him, shall enter into such penal bond as may be required of him by the governor; and shall take and subscribe the following oath: I, A. B. do solemnly swear, (or affirm as the case may be,) that I will faithfully transcribe and translate, and a true copy make of all the British, French and Spanish records within the limits of this State, that may come to my knowledge, to the best of my skill and ability. So help me God.

Translator to give bond.

Sec. 3. *And be it further enacted*, That it shall be lawful for the governor of this State, to pay the person so employed, out of the contingent fund, such compensation as may be considered reasonable and just.

Compensation.

Sec. 4. *And be it further enacted*, That the records thus transcribed and translated, shall be received as evidence in any court of justice within this State.

Records translated to be received as evidence.

Sec. 5. *And be it further enacted*, That all acts and parts of acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 9, 1833.

[No. 44.]

AN ACT

To divide the State into Districts, for Electing Representatives to Congress.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the State of Alabama be, and the same is hereby divided into five congressional districts, to wit: The counties of Jackson, Madison, Morgan, Blount, St. Clair, Benton and Randolph, shall form one district, to be called the first congressional district.

First Congressional District.

Sec. 2. *And be it further enacted*, That the counties of Lime-

Second.

stone, Lauderdale, Lawrence, Franklin, Marion, Fayette and Walker, shall form one district, to be called the second congressional district.

Third.

Sec. 3. *And be it further enacted*, That the counties of Pickens, Tuscaloosa, Jefferson, Bibb, Shelby, Perry, Greene, Talladega and Sumpter, shall form one district, to be called the third congressional district.

Fourth.

Sec. 4. *And be it further enacted*, That the counties of Autauga, Montgomery, Pike, Henry, Dale, Covington, Butler, Lowndes, Conecuh, Coosa, Tallapoosa, Chambers, Macon, Russell and Barbour, shall form one district, to be called the fourth congressional district.

Fifth.

Sec. 5. *And be it further enacted*, That the counties of Mobile, Baldwin, Washington, Clarke, Monroe, Wilcox, Dallas and Marengo, shall form one district, to be called the fifth congressional district.

Each District entitled to one Representative.

Sec. 6. *And be it further enacted*, That each of the aforesaid districts shall be entitled to elect one representative to the congress of the United States, who shall be chosen by the persons qualified to vote for members of the general assembly of this State.

Returning officers.

Sec. 7. *And be it further enacted*, That the sheriffs of the counties of Morgan, Lawrence, Tuscaloosa, Montgomery and Clarke, shall be the returning officers for their respective congressional districts, and the sheriffs of the other counties in their districts shall make return to the returning officers above mentioned.

Elections how conducted.

Sec. 8. *And be it further enacted*, That said elections shall in all other respects be conducted in conformity to an act entitled an act to divide the State into districts, for electing representatives to congress, passed, December 28, 1822.

Approved, January 10, 1833.

[No. 45.]

AN ACT

To amend the several acts relating to the Sixteenth Sections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter it shall be lawful for any parent or guardian to send his or her children or wards to any school in or out of the township which he or she may choose; and it shall be the duty of the school commissioners of such township, on satisfactory showing of the services performed by the teachers of such children or wards, to pay him for tuition out of the proportion due such parent or guardian from the proceeds of the sixteenth section of such township.

Approved, January 10, 1833.

[No. 46.]

AN ACT

To simplify *Sciri Facias* in Criminal Cases, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter on bonds or recognizances forfeited, it shall be sufficient for the clerk to issue a notice in the nature of a *sciri facias*, reciting the bond or recognizance, and state that the same is forfeited, and that unless he, she or they appear at the next term of the court, and show cause to the contrary, judgment will be entered against him, her or them; and where judgment

Duty of school commissioners where children are sent out of township.

Notice to issue on forfeited bonds, &c.

nisi has been entered against any person, it shall be sufficient to recite the judgment *nisi* and the term of the court at which it was rendered, and conclude by stating that unless he, she or they appear at the next term of the court and show cause to the contrary, judgment final will be entered up, which notice shall be held sufficient in law, to entitle the State to a recovery, though the citation be to no particular day of the term, and although the notice does not specify the day or before whom the judgment was rendered; nor shall any averment or statement be necessary to the validity of the notice aforesaid, beyond the express terms of this act.

On judgments
nisi.

Requisites
thereof.

Sec. 2. *And be it further enacted*, That in setting out a copy of the bond or recognizance or judgment *nisi*, a variance shall not vitiate the proceedings unless it be a substantial variance.

No variance
fatal unless
substantial.

Sec. 3. *And be it further enacted*, That notices or *sciri facias* shall in future be directed to the sheriff, and a copy shall be served on each by the sheriff; and one service on each defendant in said notice or *sciri facias*, shall be sufficient to enable the State to recover.

Sheriff to
serve notice,
and one ser-
vice sufficient.

Sec. 4. *And be it further enacted*, That hereafter all bonds or recognizances entered into as aforesaid, may be made payable to the State of Alabama: *Provided always*, that nothing in this section shall be so construed as to prevent the proper officer from making such bond payable to the governor and his successors in office.

Bonds &c.
good, made
either to the
State or to
Governor.

Sec. 5. *And be it further enacted*, That the circuit courts are hereby authorised and required to determine upon all excuses in criminal cases for forfeitures under this act; and to excuse the party in default, on such terms as the court may impose, in no case extending beyond the payment of costs, where the party is excused.

Circuit Courts
may excuse in
cases of for-
feiture, on
payment of
costs only.

Approved, January 10, 1833.

[No. 47.]

AN ACT

To provide for the summoning of Juries for the County Courts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court, the clerk of the circuit court, and the sheriff of the county, shall cause to be drawn twelve persons, who shall be summoned to attend as jurors at each term of the county court; which jurors shall be drawn and summoned in the same manner, and shall receive the same compensation, and be subject to the same liabilities as jurors who are summoned to attend the circuit courts.

How the ju-
rors are to be
chosen.

Their com-
pensation and
liabilities.

Sec. 2. *And be it further enacted*, That nothing in this act shall prevent the sheriff from summoning tales jurors, when necessary, in addition to the original pannel, as authorised by the first section of this act: *Provided*, that nothing herein contained shall be construed to extend to any county now specially provided for by law.

Tales jurors
how selected.

Proviso.

Approved, January 10, 1833.

[No. 48.]

AN ACT

Providing for the maintainance and education of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the courts of chancery shall have power, in the

Chancery
Court's pow-

ers in case of separation of parents in reference to children.

cases of the separation of parents, to permit either the mother or father to have the care and education of the children, or any of them, as to said courts may seem just and proper; to be determined and decided on the petition of either party, and in the meantime to issue any injunction, or make any order, that the safety well being and of any such children may require.

Approved, January 10, 1833.

[No. 9]

AN ACT

To repeal in part and amend an Act to regulate the rate of Interest, passed December 17, 1819.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall not be lawful for the obligor or obligors, maker or makers of any bond or note, on which suit may hereafter be brought, to establish the fact of usury by his, her or their own oath, where the obligee or payee of such bond or note, has departed this life; but in such cases, shall be required to establish his, her or their plea of usury, by other testimony.

Usury how to be established after the death of obligee.

Sec. 2. *And be it further enacted*, That where the borrower or borrowers of any sum of money, or other thing alleged to be on usurious consideration, shall have departed this life before the trial of any suit in which the plea of usury may, can or shall be filed, it shall be lawful for the legal representative or representatives of such borrower or borrowers, to have the benefit of the fourth section of an act entitled, an act to regulate the rate of interest, passed December 17, 1819, by making affidavit, that he, she or they believe the contract sued on to be usurious: *Provided*, that this section shall have no force or effect where the lender shall have departed this life: *And provided, further*, that if any person against whom such evidence is offered to be given, will deny upon oath, to be administered in open court, the truth of what such witness offers to swear against him, then such evidence shall not be admitted; and if any witness or party shall forswear himself, in any such matter, and be thereof lawfully convicted, he, she or they shall suffer all the pains and penalties, by law inflicted, on persons convicted of willful and corrupt perjury.

Representatives of deceased persons to make affidavit of usury.

Approved, January 10, 1833.

[No. 50.]

AN ACT

To require Jurors to be drawn in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, when the validity of any will shall be contested in any county court of this State, it shall be the duty of the judge of said court, at the request of either party, to cause fifteen jurors to be drawn and summoned for the trial of such contest in the same manner that jurors are drawn and summoned for the circuit courts; and if, out of the number so drawn and summoned, a sufficient number shall not appear, or if by challenges a sufficient number should not be left to form a jury, the sheriff shall be directed to summon instantler, a sufficient number from the by-standers.

Duty of County Court when validity of wills is contested.

Sec. 2. *And be it further enacted*, That the jurors drawn and summoned under this act, shall each be entitled to the sum of seventy-five cents per day for every day they may attend, to

Compensation to jurors.

be paid by the successful party, before the verdict shall be recorded; and to be afterwards taxed in the bill of costs, and collected as the other costs.

Approved, January 10, 1833.

[No. 51.]

AN ACT

To revise, amend, amplify and repeal in part certain acts contained in the new Digest of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following alterations and additions shall be made in and to the digest of the statute laws of this State, prepared by John G. Aikin, to wit: Page 79, section 16, after the words "paper bills of credit" insert "bank notes or bills;" page 116, to section 2 of the act of 1815, add these words: "And when the inspectors or managers of an election, or any of them, shall have reason to doubt the competency of any person offering to vote, it shall be their duty to administer to such person so offering to vote, an oath or affirmation, touching his qualification, as ascertained by the fifth section of the third article of the constitution of this State;" page 116, strike out the 17th section; and in page 118, act of 1829, (18) section 1, strike out the words "within sixty days before the meeting of the legislature, or during its session;" page 148, strike out at the end of the 4th section the words "and the justice to whom the delivery bond and the copy shall have been returned;" page 149, at the end of section 5, strike out the words "and the justice before whom he shall have returned a copy as herein directed;" page 247, act of 1822, (6) section 1, after the word "circuit" insert "or county;" page 228, act of 1831, (9) section 2, after the words "judges of the supreme court," add "and circuit;" page 290, section 6, after the words "judges of the supreme," add "and circuit;" page 257, act of 1820, (13) section 1, strike out the whole of the first period and insert the following: "Where suit is brought on any joint, or joint and several bond or note, and all the obligors or payers thereto shall not be served with process, it shall be lawful for all or any one of the obligors served with process to give notice in writing to the other obligors or payers not so served, ten days before the trial term of said suit, that he or they have been sued on such bond or note, and that he or they will at the time when said suit is tried, move the court where the same is depending, for judgment against him or them;" and in the second period of the same section, after the word "plaintiff," insert "or plaintiffs; page 287, add to the third section these words; "And if any captain or commanding officer shall fail or neglect for the space of one month to cause the said election to be held as required in this and the preceding section, he shall be liable to a penalty of twenty dollars, to be recovered before any justice of the peace of the county, by any one who will sue for the same; which penalty may in like manner be recovered against him at the expiration of each period of one month, computing from the first recovery, so long as an election for justice of the peace or constable shall be deferred by his neglect;" page 373, act of 1830, (16) in sections 1 and 2, after the words "Bank of the State of Alabama," insert "or any of the branches thereof;" page 130, act of 1812, section 1, strike out the word "twelve," and insert "eighteen;" page 215, act of

Amendments, &c. of new digest by J. G. Aikin. Page 79 of digest.

p. 116.

p. 118.

p. 148.

p. 149.

p. 247.

p. 228.

p. 290.

p. 257.

p. 287.

Penalty against Capt. for neglect to hold elections for justices and constables.

p. 373.

p. 130.

p. 215.

1807, section 21, after the words "such oath" in the twentieth line, insert "and deliver up all evidences of debt in his possession, and orders for such as are not in his possession."

Approved, January 10, 1833.

[No. 52.]

AN ACT

For the reduction of the Taxes.

Taxes reduced.

Except upon pedlars and retailers of liquors.
Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the present rate of taxation shall be reduced one fourth of the present amount, which reduction shall be uniform upon the several items, which are now subject to taxation, by the existing laws of this State; except the taxes imposed by law, upon hawkers, pedlars and retailers of spirituous liquors.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, January 11, 1833.

[No. 53.]

AN ACT.

To provide for taking the Census in the year 1833.

County courts to appoint a fit person to take the census.

Oath.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of roads and revenue in each county, shall on the first Monday in April, 1833, at a special session of the court to be called for that purpose, elect a fit person to take the census or enumeration of the inhabitants of their respective counties for the said year; and the person so elected, before he enters upon the duties of his office, shall take and subscribe the following oath, viz: I, do solemnly swear, that I will faithfully take the census of county, according to the true intent and meaning of the act to provide for taking the census for the year 1833, passed the day of So help me God. Which oath shall be filed in the office of the clerk of the county court.

Duty of census taker.

Sec. 2. *And be it further enacted*, That it shall be the duty of the person elected as aforesaid, to make personal application to the heads of families; and to persons not belonging to any family within the counties for which they shall have been elected respectively, for a true estimate of the inhabitants thereof, such estimates from the heads of white families, to contain an enumeration of the whole number of inhabitants belonging to his or her family, making a correct distinction between the number of white males under 21 years of age, and white males over 21, and between white females under twenty one years of age, and white females over 21; the total of free people of colour, (Indians not taxed excepted,) and the total of slaves: and shall make out three copies of said enumeration, with the classification aforesaid, according to the form herein after prescribed, one of which shall be posted up in the office of the clerk of his county court, and two forwarded to the secretary of state, on or before the third Monday of November, in said year.

Penalty for refusing to give an enumeration.

Sec. 3. *And be it further enacted*, That if any person shall refuse to render such enumeration, of his or her family, on such application, or shall knowingly render a false one, such person shall forfeit the sum of forty dollars, to be recovered by the per-

son elected, as aforesaid, before any justice of the peace, and paid into the county treasury.

Sec. 4. *And be it further enacted*, That the following form Census form. shall be used for the classification aforesaid, to wit:

Names of heads of families.	Total of inhabitants.				
	White males under 21.	White males over 21.	White females under 21.	White females over 21.	Total free people of colour
					Total slaves.
					Total whites.

Sec. 5. *And be it further enacted*, That the persons appointed as aforesaid, shall be allowed for taking the census or enumeration aforesaid, the following compensation, to wit: when the number shall not exceed one thousand, two dollars per hundred; when it shall exceed one and not exceed two thousand, one dollar and seventy five cents per hundred; when it shall exceed two and not exceeding three thousand, one dollar and fifty cents per hundred; when it shall exceed three and not five thousand one dollar and twenty five cents per hundred; and when it exceeds five thousand, one dollar per hundred; and three dollars each for the two copies herein before required to be forwarded to the secretary of state.

Sec. 6. *And be it further enacted*, That it shall be the duty of the secretary of state, to forward to the judge of the county court of each county in this State, immediately after the adjournment of the present session of the general Assembly, a certified copy of this act, and to lay before the speaker of the house of representatives at the annual session, one copy of the enumeration heretofore required to be forwarded to him, and to grant to the taker of the census aforesaid, his certificate, stating that the two copies required by this act have been received by him, and specifying therein the total number of the inhabitants of the county.

Sec. 7. *And be it further enacted*, That the comptroller shall issue his warrant on the treasurer, in favor of the person appointed as aforesaid, for the sum which may be due him, according to the rate of compensation heretofore provided.

Sec. 8. *And be it further enacted*, That the enumeration herein required to be made, shall embrace such persons only as were citizens of the respective counties within which they are enumerated on the first day of April, 1833, providing that persons removing into any county after that time, from another county in the State, and swearing that they have not been enumerated in the county from which they came, may be included.

Sec. 9. *And be it further enacted*, That if any person who shall be elected under this act, shall fail to perform his duty, he shall forfeit the compensation herein before provided, and also the sum of two hundred dollars to be sued for in the name of the judge of the county court, and paid into the county treasury.

Sec. 10. *And be it further enacted*, That the judge of the

county court shall fill any vacancy that may occur, and such person shall receive compensation in proportion to the services by him actually performed.

Sec. 11. *And be it further enacted*, That it shall be the duty of the judges of the county courts of the several new counties, which have been established at the present session of the general assembly, to appoint some suitable person, on or before the first Monday in May next, whose duty it shall be to assess and collect the taxes of their respective counties, and to take the census of their respective inhabitants, agreeable to the provisions of this act, and the tax collectors hereby authorised to be appointed, shall before entering upon the duties of their respective offices, enter into bond in the same manner, and shall take and subscribe the same oaths that tax collectors are required to take, who are elected by the people, and shall be entitled to receive the same compensation: *Provided*, that so much of this act as authorises the court of commissioners of roads and revenue to appoint a suitable person to take the census in their respective counties, shall not extend to the counties of Greene and Mobile, in which counties the tax collectors shall perform said duty in the manner herein provided for, and take the oath herein prescribed, and receive the same compensation as others appointed under this act.

Approved, January 11, 1833.

[No. 54.]

AN ACT

To provide for the appointment of Commissioners without this State to take testimony, &c.

Governor to
appoint com-
missioners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the governor of the State shall have power to nominate, appoint and commission one or more person or persons in each of the other States of the United States, and in the District of Columbia, who shall be authorised to receive and reduce to writing, the testimony or deposition of any witness or witnesses, person or persons, who may come before him and depose, touching or concerning any matter or thing, suit or controversy, within the said State of Alabama.

Testimony
taken to be
read, &c.

Sec. 2. *And be it further enacted*, That the said testimony or deposition thus received and reduced to writing, when duly sworn to and subscribed by the witness deposing, and certified by the said commissioner under his hand and seal, may be used in any of the courts of law or equity in this State, and shall have the same validity as the depositions of witnesses taken under and by virtue of the laws, as they have heretofore existed: *Provided*, that nothing in this act contained, shall be so construed, as to prevent the taking of testimony by deposition, in the same manner and under the same rules and regulations, as heretofore prescribed by law.

Commission-
ers so appoin-
ted to take
acknowledg-
ments of
deeds and
wills.

Sec. 3. *And be it further enacted*, That the commissioners aforesaid, shall have full power and authority to receive the acknowledgment of all deeds and conveyances of real and personal property, lying and being within this State, which are executed without this State, and also may receive the proof of all wills and testaments, bequeathing any property within this State, which shall be executed without this State, in the same manner and

under the same regulations, as officers appointed for that purpose, by the law of the State or district, for which said commissioners may have been appointed and commissioned; which deeds and conveyances shall be admitted to record in the county where said real or personal property may lie or be, when the acknowledgment of the same shall have been duly certified before the commissioner receiving the same under his hand and seal, and copies of such will and testaments shall be admitted to probate in the county where the property bequeathed shall lie or be, when proof of the same shall have been duly certified by the commissioner before whom the same was made under his hand and seal: *Provided*, that such copies shall be liable to be contested and controverted in the same manner as the original might have been.

Which may be recorded.

Copies thereof to be evidence.

Proviso.

Sec. 4. *And be it further enacted*, That each of the said commissioners so appointed and commissioned, shall (if he intends to accept his said appointment,) as soon as convenient, file in the office of the secretary of state of this State, an affidavit, subscribed and sworn to before some officer competent to administer oaths, by which he shall swear that he will correctly and faithfully discharge his said office of commissioner, according to the best of his skill and judgment, which said affidavit shall be certified by the officer before whom the same shall have been made; and further, the said commissioners shall hold their offices during the pleasure of the governor.

Commissioners to file affidavit, &c.

Tenure of office

Sec. 5. *And be it further enacted*, That the secretary of state shall inscribe in some book, kept for that purpose, the names of all commissioners aforesaid, who have signified their acceptance of their said offices, by filing the affidavit aforesaid, together with the places where they may reside, and for which they have been appointed; and shall forward to each of the clerks of the county courts of this State, a certificate or certificates of the appointment of such commissioners, and the place where each resides, within a convenient time after the acceptance of the said commissioners shall have been so signified, which certificate or certificates shall be kept in the offices of the said clerks, and may be referred to by any person or persons desirous thereof.

Secretary of State's duty.

Approved, January 11, 1833.

[No. 55.]

AN ACT

To alter and establish the Judicial Circuits of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the State shall be divided into eight judicial circuits, to be composed of the counties, and to hold their sessions as follows, to wit: The first circuit shall be composed of the counties of Baldwin, Conecuh, Washington, Clarke, Monroe and Mobile, and be held in the mode and at the time now pointed out by law.

Eight judicial circuits.

First circuit courts when held.

Sec. 2. *And be it further enacted*, That the second judicial circuit shall be composed of the counties of Dallas, which shall commence on the fourth Mondays in March and September, in each and every year, and continue in session two weeks; of Lowndes, which shall commence on the second Mondays after the fourth Mondays in March and September, and continue in session one week; of Autauga, which shall commence on the third Mon-

Second.

days after the fourth Mondays in March and September, and continue one week; of Bibb, which shall commence on the fourth Mondays after the fourth Mondays in March and September, and continue one week; of Perry, which shall commence on the fifth Mondays after the fourth Mondays in March and September, and continue one week; of Wilcox, which shall commence on the sixth Mondays after the fourth Mondays in March and September, and continue in session until the business is completed.

Third.

Sec. 3. *And be it further enacted,* That the third judicial circuit shall be composed of the counties of Greene, which shall commence on the first Mondays in March and September, and continue two weeks; of Tuscaloosa, which shall commence on the third Mondays in March and September, and shall continue two weeks; of Shelby, which shall commence on the second Mondays after the third Mondays in March and September, and continue one week; of Talledega, which shall commence on the third Mondays after the third Mondays in March and September, and shall continue in session one week; of Randolph, which shall commence on the fourth Mondays after the third Mondays in March and September, and continue in session one week; and of Benton, which shall commence on the fifth Mondays after the third Mondays in March and September, and continue in session one week.

Fourth.

Sec. 4. *And be it further enacted,* That the fourth circuit shall be composed of the counties of Limestone, which shall commence on the first Mondays in March and September, and shall continue in session two weeks; of Lawrence, on the third Mondays in March and September, and shall continue two weeks; of Lauderdale, on the second Mondays after the third Mondays in March and September, and shall continue two weeks; of Franklin, on the fourth Mondays after the third Mondays in March and September, and shall continue two weeks; of Marion, which shall commence on the sixth Mondays after the third Mondays in March and September, and continue until the business is completed.

Fifth.

Sec. 5. *And be it further enacted,* That the fifth circuit shall be composed of the counties of Morgan, which shall commence on the second Mondays in March and September, and shall continue in session one week; of Blount, which shall commence on the third Mondays in March and September, and continue one week; of St. Clair, which shall commence on the fourth Mondays in March and September, and continue one week; of Jackson, which shall commence on the first Mondays after the fourth Mondays in March and September, and continue two weeks; of Madison, which shall commence on the third Mondays after the fourth Mondays in March and September, and may continue in session until the business is completed.

Sixth.

Sec. 6. *And be it further enacted,* That the sixth judicial circuit shall be composed of the counties of Butler, which shall commence on the first Mondays in March and September; of Covington, which shall commence on the second Mondays in March and September; of Dale, which shall commence on the first Thursdays after the second Mondays in March and September;

of Henry, which shall commence on the third Mondays in March and September; of Barbour, which shall commence on the fourth Mondays in March and September; of Pike, which shall commence on the first Mondays after the fourth Mondays in March and September; each of which courts may continue in session one week, except Covington and Dale, which may hold three days.

Sec. 7. *And be it further enacted*, That the seventh judicial circuit shall be composed of the counties of Marengo, which shall commence on the first Mondays in April and October, and shall continue in session one week; of Sumpter, which shall commence on the second Mondays in April and October, and continue one week; of Pickens, which shall commence on the third Mondays in April and October, and continue one week; of Fayette, which shall commence on the fourth Mondays in April and October, and continue one week; of Walker, which shall commence on the first Mondays after the fourth Mondays in April and October, and continue one week; of Jefferson, which shall commence on the second Mondays after the fourth Mondays in April and October, and continue in session one week. Seventh.

Sec. 8. *And be it further enacted*, That the eighth judicial circuit shall be composed of the counties of Montgomery, which shall commence on the second Mondays in March and September, and shall continue in session two weeks; of Coosa, which shall commence on the fourth Mondays in March and September; of Tallapoosa, which shall commence on the first Mondays after the fourth Mondays in March and September; of Chambers, which shall commence on the second Monday after the fourth Mondays in March and September; of Russell, which shall commence on the third Mondays after the fourth Mondays of March and September; of Macon, which shall commence on the fourth Mondays after the fourth Mondays in March and September; each of which courts, except Montgomery, shall continue in session one week. Eighth

Sec. 9. *And be it further enacted*, That all writs, recognizances and subpœnas, and process of every description, civil and criminal, now or hereafter made returnable to any of the above courts, as now established by law, shall be deemed and taken to be returnable to the several courts as hereby established; and all solicitors who may at this time reside out of the limits of their respective circuits, as established by this law, shall be, and are hereby permitted to reside at their present place of residence until the expiration of their present term of service, except the solicitor of the sixth circuit, who is hereby authorised and required to perform the duties of solicitor of the eighth circuit during the remainder of his term of office. Regulations as to writs, &c
Solicitors to continue, &c
Except Solicitor of sixth circuit.

Sec. 10. *And be it further enacted*, That all laws contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, January 11, 1833.

[No. 56.]

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AN ACT

To organize the County of Sumpter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Anderson, John C. Whitsitt, Charles J.

Commissioners for the county of Sumpter.

To fix the seat of justice and contract for court house and jail.

County court to levy tax.

Election for clerks, sheriff and commissioners when held.

How held.

Persons appointed to hold elections to be qualified

Votes to be returned to judge of county court.

Commissioners to take oath.

Pockett, Andrew Ramsey, William O. Winston, Warham Easley and Edward B. Colgin, be, and they are hereby appointed commissioners to organize the county of Sumpter; who, or a majority of whom, shall have power and authority, to fix upon and select a suitable and convenient place for a temporary seat of justice in said county; and contract for, and superintend the erection of a court-house and jail: *Provided, however,* That the court-house shall not cost more than eight hundred dollars, and the jail more than four hundred dollars; and that they shall be located within six miles of the centre of said county: And the said commissioners are hereby authorised and required to take from the person or persons with whom they may contract for the building the said court-house and jail or either of them, a bond in the penalty of double the amount that shall be agreed to be paid for the same, payable to the judge of the county court of Sumpter county, conditioned for the faithful performance of the contract, and the execution of the work according to the plan and within the time agreed upon.

Sec. 2. *And be it further enacted,* That it shall be the duty of the judge of the county court of Sumpter county, and the commissioners of roads and revenue, to levy a tax upon all taxable property in said county, to pay for erecting a court-house and jail in said county: *Provided,* said tax shall not exceed fifty per cent. on the State tax.

Sec. 3. *And be it further enacted,* That there shall be an election held in the county of Sumpter, on the first Monday of March next, at the different precincts in said county, for a clerk of the circuit court, a clerk of the county court, a sheriff, and four commissioners of roads and revenue for said county; which elections shall be held by three discreet and respectable persons at each precinct, to be appointed by the judge of the county court of said county; and if either or any of the persons appointed to hold said election at any precinct, shall fail, neglect or refuse to act, the other person or persons appointed to hold the said election for such precinct, shall proceed forthwith to supply the vacancy by appointing one or more persons, for that purpose, as may be necessary; and at the same time that the said persons shall be appointed to hold said election, the said judge shall appoint a suitable person for each precinct to receive and return the votes; and if any person so appointed should fail, neglect, or refuse to act, the persons appointed to hold said election at any precinct, shall appoint a person for that purpose.

Sec. 4. *And be it further enacted,* That the persons appointed under this act to hold an election, shall be qualified by the judge of the county court of Sumpter county, or any justice of the peace; and the said election shall in other respects, not herein provided for, be conducted as for members of the general assembly are, in this State; and the votes taken at such election shall be returned to the judge of the county court of said county, on the day next succeeding said election; and it shall be the duty of said judge to count the votes so returned, and declare and publish the result of said election.

Sec. 5. *And be it further enacted,* That it shall be the duty of the commissioners appointed under the first section of this act,

before they enter upon the discharge of their duty, to take before the judge of the county court of Sumpter county, an oath, faithfully and impartially to discharge their duty.

Sec. 6. *And be it further enacted*, That the county court of Sumpter county, shall commence on the second Mondays in July and January, in each and every year, and may continue in session six judicial days, if necessary. County court when held.

Approved, January 12, 1833.

[No. 57.]

AN ACT

To provide for holding an extra election for Representatives to the Congress of the United States.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That should the president of the United States think fit to call a special session of the congress of the United States, to convene before the first Monday in August next, or within so short a time thereafter, that the representatives elected on the first Monday in August next, could not attend the same, it shall be the duty of the governor to issue his writ of election, directed to the sheriffs of the several counties in this State, commanding them on a certain day, to be therein specified, which shall not be less than thirty days from the date of said writ, to hold an election for a member of congress in their respective congressional districts. In case of a called session, Governor to issue writs of election.

Sec. 2. *And be it further enacted*, That each and every of the sheriffs aforesaid, shall, immediately on the receipt of said writ of election, give notice to the electors of his county, of the time of holding said election, and the purpose for which to be held, in the same manner as now required by law in the elections of representatives to congress, and shall on the day appointed, proceed to hold the election so ordered, as regulated by law in other cases, and make due return thereof within thirty days thereafter, under all the pains and penalties now imposed on sheriffs or returning officers for failing to make returns of the election of representatives to congress according to law. Sheriff's duty

Sec. 3. *And be it further enacted*, That the representatives so elected and returned, shall receive a commission or certificate of election from the governor, as in other cases, and shall serve until the third of March, 1835; and if an election shall take place and be held under the provisions of this act, no election shall be held for members of Congress, at the next general election. Term of service.

Approved, January 12, 1833.

[No. 58.]

AN ACT

To change the time of holding the County and Commissioners' Courts of Greene county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county court of Greene county shall hereafter be held on the fourth Monday in May and the second Monday in November, of each and every year, instead of the first Monday in July and the first Monday in November, as now provided for by law, and may at each term continue in session six judicial days, and all process now issued returnable to the July term of said court, shall be returnable to the May term of said court; and all causes, suits or other matters now pending in said court shall continue to pend in said court, as if this act had not passed. County court of Greene when held. Process

Commissioners' court, when held.

Act of 1832, concerning pay of tales jurors in Greene, repealed.

Corporate limits of Greensboro' extended.

Sec. 2. *And be it further enacted*, That the commissioners' court of roads and revenue for Greene county, shall hereafter be held on the first instead of the second Monday of December, of each and every year; any law to the contrary notwithstanding.

Sec 3. *And be it further enacted*, That so much of an act entitled an act to provide for the drawing an additional number of jurors, and for compensating tales jurors in the counties of Perry and Greene, approved, January 13, 1832, as provides that persons summoned as tales jurors in the county of Greene, shall receive the same compensation for each and every day they may serve, as is paid to jurors of the original pannel, be and the same is hereby repealed.

Sec. 4. *And be it further enacted*, That the corporate limits of the town of Greensborough shall be so extended as to include the residence of John Marratt, and the entire lot of land on which his residence is situated.

Approved, January 12, 1833.

[No. 59]

AN ACT

Establishing the time of holding the Courts therein named, in the counties therein named.

County courts of Coosa, Tallapoosa, Chambers, Russell and Macon when held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county courts of the counties of Coosa, Tallapoosa, Chambers, Russell and Macon, shall be held on the first Mondays in June and November, in each and every year.

Of Talladega, Of Randolph, Of Benton.

Sec. 2. *And be it further enacted*, That the county courts of Talledega county, shall be holden on the second Mondays in June and November, in each and every year; and in Randolph county, on third Monday in June and November in each and every year; and in the county of Benton, on the first Monday in May and October, in each and every year.

Courts of revenue & roads, when held.

Sec. 3. *And be it further enacted*, That the courts of revenue and roads shall be holden in the several counties above on the first Mondays in February, May, September and December, in each and every year.

Approved, January 12, 1833.

[No. 60.]

AN ACT

Concerning Attachments.

On return of non est inventus, plaintiff may sue out alias or pluries capias or an attachment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when a writ shall issue from any of the courts of this State, commanding the sheriff or other officer, to take the body of any person, to answer to any civil action in said court, and the sheriff shall return that the defendant is not to be found within his county, the plaintiff may, at his election, sue out an attachment against the personal estate of such defendant, or an *alias* or a *pluries capias*. returnable in the same manner as original process. And if on the issuance of an attachment, the sheriff shall return any goods by him attached, and the defendant shall fail to appear, and plead within the time limited by the laws regulating pleadings, the plaintiff shall be entitled, if in an action of debt, to final judgment, and if an action sounding in damages, to an interlocutory judgment, and may execute a writ of inquiry at the succeeding term. And the goods so attached, if not replevied or sold, according to the rules herein after pre-

Defendant not appearing, plaintiff may have final judgment, or interlocutory judgment with writ of inquiry Property attached liable

scribed, for goods taken on original attachments, shall remain in the custody of the sheriff until final judgment, and then be disposed of in the same manner as goods taken on a writ of *fiery facias*; and if the judgment shall not be satisfied by the goods attached, the plaintiff shall have execution for the residue.

to the judgment, and execution for the residue.

Sec. 2. *And be it further enacted*, That original attachments, foreign and domestic, may be issued by any judge of the circuit or county courts, or any justice of the peace.

Who may issue attachments.

Sec. 3. *And be it further enacted*, That every judge or justice, before issuing an attachment, shall require the party applying for the same, his agent, attorney or factor, to make affidavit in writing, that the person against whom the attachment is prayed, absconds, or secretes him or herself; that he or she resides out of this State; that he or she is about to remove out of this State, so that the ordinary process of law cannot be served upon him or her; or that he or she is about to remove his or her property out of the State, and that thereby the plaintiff will probably lose the debt, or have to sue for it in another State; and shall further require the person applying for an attachment, his or her agent, attorney or factor, to swear to the amount of the sum due the plaintiff, and that an attachment is not sued out for the purpose of vexing or harrassing the defendant; and shall further require the plaintiff, his agent, attorney or factor, to give bond payable to the defendant in double the amount sworn to be due, conditioned that the plaintiff shall prosecute his or her attachment to effect, and pay the defendant all such damages as he or she may sustain by the wrongful or vexatious suing out of such attachment: which bond, together with the affidavit of the party complaining, his agent, attorney or factor, subscribed with the proper name of the person making the same, shall be returned by the judge or justice taking the same, to the court or justice to which the attachment is returnable; and upon such bond and affidavit being made as herein before provided, it shall be the duty of said judge or justice, to grant an attachment against the estate of such debtor, wherever the same may be found, in the hands of any person or persons, indebted to or having any of the effects of the defendant, or so much thereof as shall be of value sufficient to satisfy the debt or demand, and costs of the complainant; which attachment shall be deemed the leading process in such action, and the same proceedings shall be had thereon, as in judicial attachments. Every attachment issued without bond and affidavit, taken and returned as aforesaid, shall be abated on the plea of the defendant.

Affidavit required before issuing an attachment.

Plaintiff's bond.

Bond and affidavit to be returned with attachment.

Duties of judges and justices to issue attachments.

Attachment the leading process.

Attachment without bond or affidavit, to abate.

Over \$50 to be returnable to circuit or county court.

Sec. 4. *And be it further enacted*, That whenever the sum sworn to be due shall exceed fifty dollars, it shall be the duty of the person issuing the same, to make it returnable to the circuit or county court, as the party applying therefor may require.

Sec. 5. *And be it further enacted*, That justices of the peace shall have the exclusive right of issuing attachments, where the sum sworn to be due, shall not exceed fifty dollars; and all such attachments shall be returnable before some justice of the peace, according to the laws regulating the return of process, issued by justices of the peace.

Not exceeding \$50 returnable before justice of the peace.

Form of an
attachment.

Sec. 6. And to prevent errors in issuing attachments, and taking bonds thereupon, *Be it enacted*, That the attachment shall be in the following form, to wit:

State of Alabama. To the sheriff of _____ county greeting:
Whereas, A. B. (or A. B., attorney, agent or factor, as the case may be, of C. D.,) hath complained on oath to _____ one of the judges of the circuit court for the State of Alabama, (or judge of the county court of _____ county, or a justice of the peace in and for the county of _____ as the case may be,) that E. F. is justly indebted to him (or the said C. D.) to the amount of _____ and oath having been also made, that the said E. F. absconds or secrets himself; (or resides out of this State; or is about to remove himself out of this State, so that the ordinary process of law cannot be served upon him; or is about to remove his property out of this State, and that thereby the said A. B. or C. D. will probably loose the debt, or have to sue for it in another State,) and the said _____ having given bond and security according to the directions of the act in such case made and provided, and made oath that an attachment is not sued out for the purpose of vexing or harrassing the said E. F.: We, therefore, command you that you attach so much of the estate of the said E. F., if to be found in your county, (repleviable on security,) as shall be of value sufficient to satisfy the said debt and costs, according to the complaint: and such estate, so attached, in your hands to secure, or so to provide that the same may be liable to further proceedings thereupon, to be had at the _____ court to be held for _____ county, at _____ upon the _____ day of _____ next; (or before me, or before _____ esquire, a justice of the peace in and for said county, on the _____ day of _____ next;) so as to compel the said E. F. to appear and answer the above complaint of the said _____ : when and where you shall make known to the said court (or justice) how you have executed this writ. Witness _____ judge of said court, (or a justice of the peace in and for the county aforesaid,) at _____ the _____ day of _____ in the year of our Lord, _____ and of American Independence, the _____. Which attachment shall be signed and sealed by the judge or justice granting the same. And the bond to be given on obtaining such attachment, shall be in the

Form of the
bond.

following form, to wit: Know all men, that we _____ and _____, all of the county of _____ (as the case may be) are held and firmly bound unto _____ in the sum of _____ to be paid to said _____, his certain attorney, executors, administrators or assigns. For which payment well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors or administrators jointly and severally, firmly by these presents: sealed with our scales, and dated the _____ day of _____

And condition

in the year of our lord, _____. The condition of this obligation is such, that whereas, the above bounden _____ hath the day of the date hereof, prayed an attachment, at the suit of _____ against the estate of the above named _____ for the sum of _____; and hath obtained the same returnable to the court of _____, to be holden at _____ on the _____ day of _____ next (or before _____ a justice of the peace in and for the county of _____, at the office of the said justice on the _____ day of _____

.) Now, if the said shall prosecute his suit with effect, or in case he fail therein, shall well and truly pay and satisfy to the said all such costs and damages as shall be recovered and awarded against the said his heirs, executors or administrators in any suit or suits which may be hereafter brought, for wrongfully suing out the said attachment, then the above obligation to be void; otherwise to remain in full force and effect: *Provided nevertheless*, that no attachment shall be abated for want of form, if the essential matters expressed in the foregoing precedent be set forth in such attachment. Not to abate for want of form.

Sec. 7. *And be it further enacted*, That a writ of attachment may in all cases issue against the property of a debtor, legally subject to the process of attachment, although the debt or demand of the plaintiff be not due; which attachment shall be a lien on the property attached, until such debt or demand becomes due, when judgment shall be rendered and execution issued. But if the property so attached, be clearly of a wasting or perishable nature, then the same shall be sold, giving a credit on the sum until the debt or demand of the plaintiff becomes due, on the purchaser's giving bond with security for the payment of the purchase money, which bond shall be lodged with the other papers in the cause; and if the money is not paid at the expiration of the time given, the clerk or justice shall issue execution thereon against the principal and security, or either of them; and the money when collected, shall be paid into the hands of the clerk or justice, to abide the final decision of the cause. Attachment may issue tho' debt is not due.
Property liable to waste, may be sold.
Purchaser's bond.
Execution on the bond, if not paid.

Sec. 8. *And be it further enacted*, That when any estate attached shall, on the oath of the plaintiff, his or her attorney, or agent, or other creditable person, be certified to any judge or justice of the peace, to be likely to waste or be destroyed by keeping; and if the person to whom it belongs, his or her attorney, agent or factor, shall not within twenty days after the levy of the attachment, replevy the same; then such estate shall, by the order of said judge or justice, be sold at public vendue by such officer; he having first advertised such sale at the court house and two other public places in his county, at least fifteen days previously. And the officer shall, within five days after such sale, return the order of sale to the court or justice to which the attachment is returnable, with his proceedings thereon, and also at the time of making such return, shall pay over into the hands of the clerk or justice, all money arising from such sale, which money shall be subject to the judgment on the attachment. Any officer failing to return such order of sale as above directed, shall be liable to the like process of either the plaintiff or defendant, as officers are for failing to return writs of *venditioni exponas*; and any officer, who after the expiration of the time allowed for paying the proceeds of the sale, shall neglect or refuse to pay the same on the demand of the clerk or justice, shall be subject to the like proceedings at the instance of the clerk or justice, as officers are for failing to pay over money levied upon a *fieri facias*. Perishable property may be sold if not replevied in 20 days.
15 days notice of sale.
Order of sale to be returned, and proceeds paid over within 5 days after sale.
Officer, how proceeded against for not returning order or paying over money.

Sec. 9. *And be it further enacted*, That when any person being a non-resident of this State, is indebted to any person, also a non-resident, either by judgment, note or otherwise, and removes his or her property into, or holds property in this State, which Attachments allow'd where plaintiff and defendant are both non-residents.

Security to be given in the State.

Additional oath required.

Restrictions as to process against non-residents.

Attachments against non-resident partners, joint obligors, &c.

On what, and how levied.

Goods may be replevied.

Right of property may be tried.

would be subject to attachment for the benefit of a resident of this State, the same benefit shall be extended to such non-resident, as is by law secured to persons residing within this State: *Provided*, that such non-resident shall give good and sufficient security, residing in this State, to be approved by the judge of the county court where the property or effects may be, or any judge or clerk of the circuit court, for the amount and with the like condition as required in other cases; and that in addition to the oath now required by law, such non-resident plaintiff, his agent or attorney, before obtaining any such attachment as is authorised by this act, shall swear that the defendant against whom such attachment is sued out, has not sufficient property within the State of the residence of said defendant, within the knowledge or belief of such non-resident plaintiff, his agent or attorney, wherefrom to satisfy such debt or demand: *And provided also*, that no judicial process shall be issued against the estate of any person residing out of this State, by any one, whether a resident or non-resident, unless such process is grounded on an original attachment; or unless the leading process in the suit has been executed on the person of the defendant, when within this State.

Sec. 10. *And be it further enacted*, That when two or more persons, not residing in this State, are jointly indebted, either as joint obligors, partners or otherwise; then the writ or writs of attachment may be issued against the separate and joint estate of such debtors, or any of them, either by their proper names, or by the name and style of the partnership, or by whatever other name or names such joint debtors shall be generally reputed, known or distinguished within this State, or against the heirs, executors or administrators of them or any of them; and the lands, tenements, goods, chattels and effects, rights and credits of such debtors or any of them, shall be liable to be seized and taken for the satisfaction of any such debt or other demand, and may be sold to satisfy the same.

Sec. 11. *And be it further enacted*, That attachments may be levied on the defendant's goods and chattels, and the manner of executing an attachment shall be by the officer's going to the house in which, or to the person in whose possession the defendant's goods or effects are supposed to be, and then and there declaring in the presence of one or more credible persons of the neighborhood, that he attaches the said goods or other effects; from and after which declaration, the goods, money and effects so attached, shall remain in the custody of the officer levying on the same, unless the defendant, his or her agent or attorney, or some other person, replevy the same by giving bond and security in double the amount of the plaintiff's demand, conditioned that if the defendant be condemned in the action, he shall return the specific property attached, and in case he fail to do so, the securities will do it for him; or unless claim be made to the property levied on, and bond given to try the right of the same as in other cases, on which the same proceedings may be had as in trials of the right of property taken by virtue of a *fieri facias*: in which cases the officer shall suffer the property to remain in the possession, and at the risk of the defendant or claimant. And the said replevin bonds, or bonds for the trial of the right of property shall be

lodged with the clerk or justice where the attachment is returnable; and should any such bond be forfeited according to its conditions, the officer taking the same shall forthwith enter thereon the necessary endorsement of forfeiture, and the clerk or justice shall immediately issue execution on the same against all the obligors therein; which duties of clerks and other officers shall be performed under all the penalties and responsibilities prescribed in cases of the forfeiture of forthcoming bonds, and bonds for the trial of the right of property in other cases: *Provided*, that for satisfactory cause shown, any of the judges may supersede such execution, either wholly or in part, and upon such security as the judge granting the same may deem proper.

Execution to issue on replevin bonds, or bonds for trial of right of property, when forfeited.

Executions may be superseded.

Sec. 12. *And be it further enacted*, That whenever any officer may be required to levy an attachment, such officer may require the plaintiff in the attachment, to execute to him a bond of indemnity, in order to secure such officer, if it should afterwards appear that the property levied on does not belong to the defendant.

Officer levying attachment may require indemnity.

Sec. 13. *And be it further enacted*, That any person against whose estate an attachment has issued, his or her attorney, agent or factor, may, at any time before final judgment entered, or a writ of inquiry executed, upon giving special bail, replevy the estate so attached, and plead to issue, so that the plaintiff is not thereby delayed of his trial: *Provided*, that the defendant shall not be required to give special bail, before he is admitted to appear and plead.

Defendant may replevy any time before judgment.

May plead without special bail.

Sec. 14. *And be it further enacted*, That if the inhabitant of any other government have no goods or chattels within this State, but has lands within it, the sheriff shall execute such attachment upon his lands or tenements, agreeably to the provisions of the act concerning executions; and in case of the death of any debtor residing out of the limits of this State, having lands or other property therein, the creditor resident within the territory shall in like manner be entitled to recover by attachment, against the executors and administrators; and execution shall issue accordingly against the property so left within the State.

Lands of non-residents may be levied on.

Executors and administrators liable, &c.

Sec. 15. *And be it further enacted*, That when any process in the nature of an attachment shall issue, and the defendant resides without the limits of this State, and has no agent or attorney within the same, no judgment shall be rendered on such attachment, until six months after the issuance thereof, or until the defendant be notified by conveying a notice to him or her by mail, when his or her residence is known, or by advertising the same in the manner the judge or justice issuing the attachment may direct, when the defendant's residence is unknown, which notice, it shall be the duty of the judge or justice to cause to be given, when the same can conveniently be done, and all proceedings on the attachment may at the discretion of the court or justice, be stayed for such time as the circumstances of the case may require, not exceeding one year from the issuance thereof, and if the defendant appear, put in bail, and plead within the time limited for his or her appearance, his estate so attached shall be liberated, or if sold, the proceeds thereof refunded to him; and the garnishee or garnishees, if any, discharged, and it shall be lawful for the

Attachments against non-residents to be stayed.

Notice to defendant.

Stay not to exceed one year.

Estate discharged on bail and plea.

Interest during continuance. jury, in case of such non-residents, to give as damages legal interest upon the plaintiff's recovery, during the time of such extraordinary continuances.

Plaintiff to give security before sale of non-residents' estate.

Sec. 16. *And be it further enacted*, That after judgment on attachment against non-residents, the plaintiff shall before sale, and after execution is awarded, find security, who shall undertake for him, that if the defendant in the attachment shall within a year and a day next following, by himself or attorney, disprove or avoid the debt recovered by the plaintiff against him, or shall discharge the same with costs, that then the plaintiff shall restore to the defendant the goods or effects, or the value thereof, by the plaintiff attached and condemned, or so much thereof as shall be disproved or discharged, or else they will do it for him; which bond shall be taken and approved by the officer required to make the sale, and by him deposited with the other papers in the cause.

Plaintiff may amend defects of form.

Sec. 17. *And be it further enacted*, That the attachment law of this State, shall not be rigidly and strictly construed, and in all suits commenced by original attachment, the plaintiff, before or during the trial, shall be permitted to amend any defects of form in the original papers, should the judge or justice be satisfied that such defects were not made for the purpose of defrauding the defendant in such suit.

Who defendant, and who garnishee.

Sec. 18. *And be it further enacted*, That the person whose goods or effects are attached, shall be called the defendant in the attachment, and the person in whose possession they are attached, shall be called the garnishee.

Garnishee shall be summoned.

Sec. 19. *And be it further enacted*, That when any officer shall serve an attachment in the hands of any person supposed to be indebted to, or supposed to have any of the effects of the defendant, he shall at the same time, summon such person as a garnishee in writing, to appear at the court, or before the justice where the attachment is returnable, within the first four days of the first term of the court, if returnable to court, or at the time of the return of the attachment, if returnable before a justice of the peace, there to answer upon oath, what he or she is indebted to the defendant, and what effects of the defendant he or she has in his or her hands, and had at the time of serving the attachment, and what effects or debts of the defendant, there are in the hands of any other, and what person, to his or her knowledge or belief: And it shall be lawful upon his or her appearance and examination, to enter up judgment and award execution against any such garnishee for all sums of money acknowledged to be due to the defendant, from him or her; and for all effects and estate of any kind, belonging to the defendant, in his or her possession or custody, for the use of the plaintiff, or so much thereof as may be sufficient to satisfy the debt and costs, and all charges incident to levying the same; and all goods and effects whatsoever in the hands of any garnishee, belonging to any defendant, shall be liable to satisfy the plaintiff's judgment, and shall be delivered to the officer serving the attachment.

Shall answer.

Proceedings against garnishees for contempt.

Sec. 20. *And be it further enacted*, That where any garnishee shall be returned by the officer, summoned in manner aforesaid, and shall fail to appear and discover on oath as by this act is directed, it shall be lawful for the court, and it is required after

calling the garnishee, to enter a conditional judgment against him, upon which a *sciri facias* shall issue against such garnishee, returnable to the next term of the court, to show cause why final judgment should not be entered against him: And upon such *sciri facias* being duly executed and returned, if such garnishee shall fail to appear according to the mandate thereof, and discover on oath in manner aforesaid, the court shall confirm such judgment, and award execution for the plaintiff's whole judgment and costs.

Judgment nisi
and sci. fa.

Sec. 21. *And be it further enacted*, That when the attachment is returnable before a justice of the peace, the garnishee shall be required to appear at the return of the attachment, and answer upon oath, as in the foregoing section: And in case any garnishee so summoned shall fail to appear and answer as above required, the justice shall enter judgment by default against such garnishee: and if the garnishee appear and answer within ten days, said judgment shall be set aside, and such judgment entered as the justice of the case requires; but if the garnishee fail to appear within ten days after judgment by default, the justice shall issue a second summons, commanding the garnishee to appear at a time certain; and if the garnishee fail to appear at said time, final judgment shall be entered against him, for the amount of the plaintiff's demand, and costs of suit, upon which execution shall issue.

Proceedings
vs. garnishee
before justice
of the peace.

Sec. 22. *And be it further enacted*, That in all cases when any garnishee may have in his possession any property belonging to the defendant, or be indebted to him in any specific property, he shall be at liberty at any time within twenty days after final judgment entered against him as garnishee, to deliver the same to the officer serving the attachment, or holding the execution, in discharge of himself, and the same shall be sold to satisfy the judgment against the defendant. And it shall be the duty of the proper officer, to demand the property deposited to be due from or in the possession of any garnishee, at the usual place of residence of such garnishee, within a reasonable time after the final judgment rendered.

Garnishee
may dis-
charge him-
self by deliv-
ering the pro-
perty in 20
days after fi-
nal judgment.

Sec. 23. *And be it further enacted*, That if, upon the examination of any garnishee, it shall appear that there is any of the defendant's estate in the hands of any other person, who has not been summoned, or that any other person is indebted to the defendant, the court or justice shall, upon motion of the plaintiff, grant a judicial attachment, to be levied in the hands of such person or persons, so holding property of, or indebted to the defendant, who shall appear and answer, and be liable as other garnishees.

If on exami-
nation of garni-
shee, any other
appears to
have property,
or be in-
debted, he
shall be sum-
moned.

Sec. 24. *And be it further enacted*, That the defendant may, in all cases, show by competent testimony, that a garnishee is indebted to him in a greater amount than he is willing to admit on oath.

Defendant
may contest
garnishee's
answer.

Sec. 25. *And be it further enacted*, That the plaintiff wishing to controvert the garnishee's answer, may do so by making oath, that he believes the same to be incorrect; whereupon, an issue shall be formed and tried as in other cases.

Plaintiff may
contest an-
swer.

Sec. 26. *And be it further enacted*, That every garnishee shall be allowed out of the effects attached, reasonable satisfaction

Allowance to
garnishees.

for his attendance: and where no goods are attached, the same shall be taxed against the party causing such garnishee to be summoned.

Repeal of former laws.

Sec. 27. *And be it further enacted*, That all laws heretofore passed on the subject of attachments, except such as relate to the powers of courts over defaulting suitors and officers, and in enforcing their orders, judgments and decrees, are hereby repealed.

Approved, January 12, 1833.

[No. 61.]

AN ACT

To fix the Salary of the President of the Bank of the State of Alabama, and for other purposes

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

President of State Bank, salary \$1200

convened, That from and after the first day of January, 1833, the president of the Bank of the State of Alabama, and his successors in office, shall receive an annual salary of one thousand dollars, payable quarter yearly, out of the profits of said Bank. And from and after the first of January, 1833, the cashier of said Bank, and his successors in office, shall receive an annual salary of eighteen hundred dollars, payable quarter yearly, out of the profits of said Bank.

Cashier's \$1800.

Salary of President of branch at Montgomery, \$800.

Sec. 2. *And be it further enacted*, That the president of the Branch of the Bank of the State of Alabama, at the town of Montgomery, and his successors in office, shall annually receive the sum of eight hundred dollars, payable quarter yearly, out of the profits of said Branch Bank.

Cashier's \$1500.

Teller's \$1000

Sec. 3. *And be it further enacted*, That the cashier of said Branch Bank, and his successors in office, shall receive annually the sum of fifteen hundred dollars, to be paid quarter yearly out of the profits of said Bank; and the teller shall in like manner receive an annual salary of one thousand dollars, payable as above; and the book keeper shall also receive an annual salary of one thousand dollars, payable as aforesaid; and the discount clerk shall in like manner receive an annual salary of eight hundred dollars, payable as above; and so soon as the additional capital now authorised by law is obtained, his salary shall be one thousand dollars per annum.

Book-keeper's \$1000.
Discount clerk's \$600.

Officers not to receive fees for certain acts.

Sec. 4. *And be it further enacted*, That it shall not be lawful hereafter for any officer in the Bank of the State of Alabama, or any branch thereof, to take or receive from any person or persons, trading with the same, any fee or perquisite as compensation for placing on the offering book any note or bill of exchange that may be offered out of bank hours; but it shall be the duty of said officers, to place on the offering book any note or bill of exchange, that may be tendered to the Bank at any time previous to the hour assigned for the board of directors to meet, any law or usage to the contrary notwithstanding.

Further duty in regard thereto.

Repeal.

Sec. 5. *And be it further enacted*, That all acts and parts of acts, contravening the provisions of this act, be, and the same are hereby repealed.

Salaries of officers to commence when.

Sec. 6. *And be it further enacted*, That the salary of the president and officers of the Branch of the Bank of the State of Alabama, located at Montgomery, shall commence from the date of their respective appointments.

Approved, January 12, 1833.

[No. 62.]

AN ACT

To appoint the time of holding the County Court in the County of Barbour.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the county court for the county of Barbour, shall hereafter be held on the second Monday in February and August, in each and every year, and may continue in-session until the business is disposed of.

Barbour
county court
when held.

Approved, January 12, 1833.

[No. 63.]

AN ACT

To regulate the Weighing of Cotton in the City of Mobile, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first and second sections of an act approved, December 31, 1822, entitled, an act authorising the judge of the county court of Mobile county, to appoint public weighers in the city of Mobile, be, and the same are hereby repealed.

Weighers at
Mobile, former mode of
appointment
abolished.

Sec. 2. *And be it further enacted,* That five public weighers shall be elected by the mayor and aldermen of the city of Mobile, whose duty it shall be to weigh all cotton or other articles, when applied to for that purpose, with scales or balances that have been compared with the standard and certified therewith.

Five to be
elected, how.

Their duties.

Sec. 3. *And be it further enacted,* That the public weighers so elected, shall, before they enter on the discharge of their duties, take an oath before some person, authorised to administer the same, that they will weigh all dry cotton correctly, with weights corresponding with the standards, and that they will return the true weight without any deduction, and that they are not, nor will not, either directly or indirectly be interested in sale or purchase of cotton weighed by them.

Oath to be taken by them.

Sec. 4. *And be it further enacted,* That when any dispute shall arise in relation to deductions on wet or damaged cotton, such deductions shall be made by any two or more of such public weighers; such additional weighers shall be entitled to the same compensation for their services as is allowed to other weighers by this act, to be paid by the party in the wrong.

Their duty
and compensation in certain cases.

Sec. 5. *And be it further enacted,* That the public weighers shall receive as full compensation for weighing and marking cotton six and one fourth cents per bale, and no more.

Fee for weighing.

Sec. 6. *And be it further enacted,* That this act shall be in force from and after the first day of March next, and that all laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 12, 1833.

[Nov. 64.]

AN ACT

Explanatory of the liability of persons to work on roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the twenty-fourth section of an act entitled, an act to reduce into one the several acts in relation to roads, bridges, ferries and highways, approved, January 12, 1827, be so construed and taken, as not to compel any person to work on any road lying more than seven miles from his or their place of residence; excepting, however, the public route mentioned in the first proviso of said section.

What distance exempt.

Approved, January 12, 1833.

[No. 65.]

AN ACT

To amend the Charter of the Bank of the State of Alabama.

Discounts.21st. section
of State Bank
charter act
repealed, how
far.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the twenty-first section of an act, entitled an act to establish the Bank of the State of Alabama, as requires that the sums discounted on notes at said Bank, shall be apportioned among the several counties in this State, in proportion to their representation, be, and the same is hereby repealed.

Approved, January 12, 1833.

[No. 66.]

AN ACT

To provide for the settlement of the Estates of deceased persons, in certain cases therein named.

When judges
of Supreme or
Circuit courts
may issue
commissions
for settlement
of estates of
deceased per-
sons.-

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all settlements hereafter to be made by executors, administrators or guardians with the orphan's court, in which the judge of said court may have been employed as counsel, or may be otherwise interested in such settlement, it shall be the duty of said judge, to give immediate information of the fact to one of the judges of the supreme or circuit courts, who shall thereupon issue a commission, to three persons of the proper county, directing and empowering them to proceed to make said settlement under the same rules and regulations now prescribed by law.

Settlements
to be record-
ed.

Sec. 2. *And be it further enacted,* That such settlement when made as aforesaid, shall be duly recorded by the clerk of the county court, and shall have all the force and effect of settlements made by the judge of said orphan's court.

Where judge
county court
refuses to
give notice.

Sec 3. *And be it further enacted,* That in case of the neglect for an unreasonable time, or the refusal of said judge of the orphan's court, to give the notification required in the first section of this act, then the judge of the supreme or circuit court shall, on the application of the executor, administrator, or guardian or other person interested in said settlement, and on satisfactory proof of such neglect or refusal, on the part of the judge of the orphan's court, direct said commission in the same manner as on information of said judge: *Provided, however,* that nothing in this act contained, shall be so construed as to repeal the law passed at the last annual session of the general assembly, entitled an act for the relief of George H. Flournoy, judge of the county court of Pickens county.

Proviso.

Approved, January 12, 1833.

[No. 67.]

AN ACT

To exempt certain property from Execution.

What proper-
ty exempted
from sale un-
der execution.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first day of May next, the following articles shall be retained by and for the use of every family in this State, free and exempt from levy or sale by virtue of any execution or other legal process, that is to say, two beds and furniture, two cows and calves, two spinning wheels, two axes, two hoes, five hundred weight of meat, one hundred bushels of corn, all the meal that may at any time be on hand, two ploughs, one table, one pot, one oven, two water vessels, two pair cotton cards,

all books, one churn, three chairs, one work horse, mule or pair of work oxen, one horse or ox cart, one gun, all tools or implements of trade and twenty head of hogs.

Sec. 2. *And be it further enacted*, That all acts heretofore Repealed. passed on the subject matter of this act, be and the same are hereby repealed.

Approved, January 12, 1833.

[No. 68.]

AN ACT

To amend the Militia Law, under the head of Courts Martial.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the ninth section of the militia law under the head of courts martial, be and the same is hereby repealed.

9th Section of militia law repealed.

Sec. 2. *And be it further enacted*, That captains or commanding officers of beats, be authorised to preside at company courts martial.

Captains, &c. to preside at courts martial.

Sec. 3. *And be it further enacted*, That the regimental courts martial shall have the power to try all delinquent commissioned and non-commissioned officers of each regiment, for neglect of duty; and may be fined as the law provides, under the head of fines and forfeitures agreeable to their rank.

Regimental courts martial, their power.

Approved, January 12, 1833.

[No. 69.]

AN ACT

For the organization of certain counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Samuel J. Bradford, Moses Benson, Christopher A. Green, John Mattox, Matther M. Haustin, be and they are hereby appointed commissioners of the county of Benton. That Henry Carter, Hugh Barkley, James Drennan, James Calvert John Loller, Andrew J. Crawford and Jesse Upton, be and they are hereby appointed commissioners for the county of Talladega. That

Commissioners appointed.

be and they are hereby appointed commissioners for the county of Randolph. That Washington Campbell, Wm. Lovelady, and Archibald Downing, be and they are hereby appointed commissioners for the county of Coosa. That Solomon Mitchell, Wm. Zimmerman and Berry Strange, be and they are hereby appointed commissioners for the county of Tallapoosa. That Hardean Owen, Thomas M. Martin and Anderson Abercrombie, be and they are hereby appointed commissioners for the county of Russell. That

be and they are hereby appointed commissioners for the county of Chambers. That Thomas Woodward, Isaac Ray and John Thompson, be and they are hereby appointed commissioners for the county of Macon: who, or a majority of whom, shall have power in their respective counties, to fix on a suitable place for the seat of justice in said counties respectively: *Provided*, that the commissioners of the county of Russell shall be confined to within six miles of the center on the Chatahoochy river.

To fix seat of justice. Proviso as to Russell.

Sec. 2. *And be it further enacted*, That the said commissioners shall have power to contract for, and receive in behalf, and for

Powers of said commis

their respective counties, by good and sufficient title, a lot of land not exceeding one hundred and sixty acres, so fixed on respectively for the seats of justice, for the purpose of erecting thereon, public buildings for the use of said counties respectively.

Powers in regard to public buildings.

Proviso relating thereto.

Mode of disposition of the land acquired by commissioners.

Taxes to be imposed for public buildings if necessary.

Their amount limited.

Election of county officers provided for.

Oath of commissioners.

Regulation as to fixing seats of justice.

Mode of pro-

their respective counties, by good and sufficient title, a lot of land not exceeding one hundred and sixty acres, so fixed on respectively for the seats of justice, for the purpose of erecting thereon, public buildings for the use of said counties respectively.

Sec. 3. *And be it further enacted*, That said commissioners or a majority of them shall have power in their respective counties to contract for, erect and superintend the building of a court house and jail, of such description and dimensions as they shall agree upon, with the approbation of the county courts of the counties respectively: *Provided*, that notice shall be given by said commissioners at three or more public places in their respective counties of the time and place of letting said buildings or either of them, shall contract for the erection thereof with the lowest bidder, who shall enter into bond with sufficient security, conditioned for the faithful performance of his or their contract.

Sec. 4. *And be it further enacted*, That after the aforesaid commissioners shall have purchased a tract of land for the location of the seat of justice in their respective counties, it shall be their duty after reserving lots whereon to erect said court houses and jails, to cause the balance of said tracts respectively to be run out by the county surveyors of their respective counties, into lots of convenient size and sold on a credit of six and twelve months, for the use of their respective counties, in erecting court houses and jails.

Sec. 5. *And be it further enacted*, That it shall be the duty of the judge of the county court and commissioners of roads and revenue, for the counties aforesaid, to levy a tax on all taxable property, in their respective counties, to be applied to the erecting and completing the court houses and jails, in the event the proceeds of the sales of lots in said counties shall be insufficient to defray the expenses which may accrue in building the same:

Provided, said tax shall not exceed fifty per cent on the State tax. Sec. 6. *And be it further enacted*, That there shall be elections held in the aforesaid counties, on the first Monday of March at the different precincts, (or at such place as the persons herein authorised to hold said elections shall appoint,) for the election of a clerk of the circuit court, a clerk of the county court, a sheriff, a tax collector and assessor, and four commissioners of roads and revenue, for each of said counties, which elections shall be held by one justice of the peace and two householders in each election precinct, to be conducted in the same manner and under the same rules and regulations as elections are for electing members of the general assembly.

Sec. 7. *And be it further enacted*, That the commissioners aforesaid shall, before they enter upon their duties, take the following oath, to wit: I, ——— do solemnly swear, that I will discharge the duties imposed upon me, as a commissioner for the county of ——— without partiality or favor. So help me God.

Sec. 8. *And be it further enacted*. That the commissioners for the counties aforesaid, shall locate the seats of justice of said counties respectively, at or near the centre of said counties if practicable, if not, at the most eligible point, not exceeding six miles from the centre of said counties.

Sec. 9. *And be it further enacted*, That when there shall be

no justice of the peace in the foregoing counties, it shall be the duty of three respectable householders, to hold elections in the same manner as one justice of the peace and two householders are required to do by the foregoing provisions of this act, after being qualified by the judge of the several counties.

viding justices of the peace in certain cases.

Sec. 10. *And be it further enacted*, That the citizens of such counties as shall not have commissioners appointed by the legislature, to locate the seat of justice in their respective counties, shall proceed, after the passage of this act, to the election of said commissioners, as prescribed in the foregoing section.

Counties to elect commissioners when Legislature have not appointed.

Sec. 11. *And be it further enacted*, That the circuit and county courts for the county of Talladega, shall be held at the Talladega Battle Ground, until a seat of justice shall be selected and established under this act, and a court house built for said county.

Courts in Talladega, where to be held.

Approved, January 12, 1833.

[No. 70.]

AN ACT

To discontinue and establish certain Election Precincts therein specified.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the election precincts heretofore established by law at the places following, be, and the same are hereby abolished and discontinued, to wit: At the the house of — Johnson, and at the house of Henry Bates, in the county of Marengo; at Ford's mill, at the house of William H. Peples, and at the house of Benjamin B. Massey, in the county of Perry; at the house of Joshua Halbert, in the county of Tuscaloosa; at Hardin's, in the county of Morgan; at the house of Henry S. Simington, and at the house of John Sharp, in the county of Franklin; at the house of James Anderson, senior, and at the house of Samuel Johnson, in the county of Blount; at the house of Mervin and Vastbinder, in the county of Baldwin; at the house of Reubin Blankinship, in the county of Shelby; at the house of Wilson or Davis, on Paint rock, at the house of Kirkpatrick, on Paint rock, and at Boggess' or Starn's, in the county of Jackson; at the house of James Bunyard, and at Kennedy's, in the county of Dallas; at the house of James Lesslie, and at the house of Lewis S. Riggs, in the county of St. Clair; at the house of David Burton, in the county of Greene; at the house of Thomas Boyd, at the house of James Cook, and at Bawle's store, in the county of Montgomery; at Warrior Bridge, in the county of Washington; at the house of William Taylor, in the county of Conecuh; at the house of Daniel Burford, and at Brahan's mill, in the county of Lawrence; at the house of Henry Coons, in the county of Dale; at the house of William Padgeth, in the county of Covington; at the house of Elijah Calk, in the county of Clarke; at Carnishe's spring, in the county of Lauderdale; at the house of Peram Polard, in the county of Pickens; at the house of Jabez Fitzgerald, now George Bankhead, and at the house of Moses Loyd, in the county of Marion.

Precincts discontinued in the counties of Marengo.

Perry.

Tuscaloosa.

Morgan.

Franklin.

Blount.

Baldwin.

Shelby.

Jackson.

Dallas.

St. Clair.

Greene.

Montgomery.

Washington.

Conecuh.

Lawrence.

Dale.

Covington.

Clarke.

Lauderdale.

Pickens.

Marion.

Sec. 2. *And be it further enacted*, That election precincts be, and the same are hereby established at the places following, to wit: One at the house of Edmond Jose, and one at Prairieville, in the county of Marengo; one at the house of William Watters, one at Leasburg, one at the house of Terrel Gorman,

Established in the counties of Marengo, &c.

and one at the house of James Legrone, in the county of Perry; one at the house of A. D. Caraway, and one at the house of John Chism, in the village of North Tuscaloosa, in the county of Tuscaloosa; one at the house of George W. Hall, and one at the store-house of John S. Brooks, in the county of Morgan; one at the house of Pleasant M. Bowlang, at New Boston, and one at the house of William Gates, in the county of Franklin; one at the house of James Kelly, and one at the house of David Pussers, in the county of Pike; one at the house of John Anderson, one at the house of Joseph H. Passey, one at the house of Robert Pearce, and one at the house of James Spencer, in the county of Blount; one at the house of Harlee Williamson, and one at the house of James W. Pendleton, on the ridge road, in the county of Baldwin; one at the house of — Burneth, on the road leading from Montevallo to Montgomery, and one at the house of Bryant Rushins, on Waxahachy, in the county of Shelby; one at Trenton, one at Camden, one at Claysville, one at the house of Absolem Coffee, senior, and one at the house of George Brown, in the county of Jackson; one at the store-house of Silas Morgan, and one at Dunn's store, and one at Carlowville, in the county of Dallas; one at the house of William D. Bradford, one at the house of Jesse Harris, one at the house of Richard McCartney, and one at the house of John Burden, esq. near the line dividing Benton and St. Clair, in the county of Benton; one at the house of John H. Garrett, one at Chataugh court-house, one at the house of John Bell, in Mills' valley, one at the house of James Thompson, in the county of St. Clair; one at the house of George Johnson, in the county of Greene; one at James' Bluff, on the Tombeckby river one at Gaynesville, one at the store of Allen Glover, one at the store of Lewis & Smith, one at the house of John D. Rogers, one at the house of John C. McGrew, and one at the house of Green B. Chaney, in the county of Sumpter; one at the house of Elkana Barnes, one at the house of William Williams, and one at the house of Hamlin Miles, in the county of Montgomery; and one at the house of Charles Juzan, in the county of Washington; one at the house of Tyre Roberts, in the county of Monroe; one at the house of Daniel Welch, one at the house of Joseph B. Cleveland, one at the house of Thomas Roland, one at the house of David Conner, and one at the house of William Moore, known by Andrew Wilson's old place, in the county of Talledega; and one at the house of Archibald Downing, and one at the house of Washington Campbell, in the county of Coosa; one at the ferry of William T. Spin, on the Conecuh river, in the county of Conecuh; one at the house of Simeon Bluford, in the county of Dale; one at William Summerford's mill, in the county of Covington; one at Macon, in the county of Clarke; and the returning officers for the county of Clarke, shall hereafter make returns of all elections to the town of Macon, and the act making it the duty of returning officers to make their returns to Clarksville, is hereby repealed; one at the house of James Huggins, on Butter creek, and one at the house of Jacob McGees, in the county of Lauderdale; one at the house of Solomon Tur, senior, and one at Vienna, in the county of Pickens; one at the house of Thaddeus Walker, one at the house of Adam Ra-

mer, and one at the house of John Hollis, in the county of Marion; one at Brickville, in the county of Lawrence; one at the house of Richard Lancaster, in the county of Wilcox; and one at the house of John A. Summers, and one at the house of Alexander Walker, on Brush Creek, in Perry county; one at the house of Francis Adams, in St. Clair county; one at the house of Solomon Mitchel, in the county of Tallapoosa; and one at the house of Thomas Woodward, in the county of Macon; and one at the house of Hardiman Owens, in the county of Russell.

Marion.
Lawrence.
Wilcox.

Perry.
St. Clair.

Tallapoosa.
Macon.

Russell.

Sec. 3. *And be it further enacted*, That the name of the precinct at Duvall's in the county of Dallas, be, and the same is hereby changed to that of Pleasant Hill.

Name of precinct changed in Dallas.

Sec. 4. *And be it further enacted*, That the precinct at the house of Thomas Longacre, in Jackson county, is hereby abolished; and an election precinct established at the house of Valentine Fulshers, in said county,

In Jackson change of precinct.

Sec. 5. *And be it further enacted*, That the election precincts heretofore established at J. B. Bozar's, and Henry Miller's in the county of Mobile, be, and the same are hereby discontinued.

In Mobile two discontinued.

Approved, January 12, 1833.

[No. 71.]

AN ACT

To preclude from office certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall not be lawful for any member of the general assembly of the State, to be elected to any office of honor, trust or profit, during the time for which he is elected, which office is filled by a joint vote of the two houses of the general assembly; any law, usage or custom to the contrary notwithstanding: *Provided*, this act shall not take effect until the first day of August next.

Members of General Assembly not eligible to certain offices

Proviso.

Approved, January 12, 1833.

[No. 72.]

AN ACT

Relative to the Reporter of the Decisions of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, the decisions of the supreme court shall be published at the expense of the State; and the governor of the State is hereby directed to cause proposals to issue for the publication thereof, for at least two months previous to giving said contract, and shall require bond and security for the faithful performance thereof.

Decisions of Sup. court to be published by the State. Governor to give notice. Bond.

Sec. 2. *And be it further enacted*, That the reporter appointed by the judges of the supreme court, shall prepare for publication a sufficiency of the decisions of the supreme court, which with the accompanying notes, memoranda and index, will compose a volume of at least five hundred pages: one volume of which shall be published yearly; and the said reporter shall be entitled to receive as his salary for preparing the said decisions for the press, making an index thereto, and revising the proof sheets, the sum of one thousand dollars; and the comptroller, on the certificate of a majority of the judges of the supreme court that the decisions have been correctly reported, shall issue his warrant for the above amount.

Reporter's duties.

Salary.

Sec. 3. *And be it further enacted*, That the said books shall

Sale of Reports.

be exposed to sale in the mode pointed out for the new digest, at a sum not exceeding five dollars.

Sec. 4. *And be it further enacted*, That on the certificate of the governor of the State that the work has been correctly executed, the comptroller shall issue his warrant for the amount therein specified.

Reporter to
secure copy
right to State.
May be enti-
tled to 500
copies.

Sec. 5. *And be it further enacted*, That the said reporter shall secure the copy right of the said book for the use of the State of Alabama, and shall be entitled to five hundred copies of the said book, to be published at his own own expense, and not sold within the limits of this State.

Repeal.

Sec. 6. *And be it further enacted*, That all laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 12, 1833.

[No. 73.]

AN ACT

To provide for the appropriation of the nett proceeds of the funds arising from the sale of Sixteenth Sections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That whenever full payment shall have been made for any sixteenth section, the whole nett profits made on the funds thereby created, after such payment shall be paid over to the commissioners of such sixteenth section, in the same manner that the six per cent. on said fund is now required to be paid over, and shall be by said commissioners appropriated in the same manner, as the said six per cent. is now required to be appropriated: *Provided, however*, that if the said profits shall at any time be less than six per cent., six per cent shall be paid as now provided for by law.

Approved, January 12, 1833.

[No. 74.]

AN ACT

To repeal an Act amendatory to the several Acts concerning Witnesses, approved, January 3, 1832, so far as respects the County of Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled an act amendatory to the several acts concerning witnesses, approved January 3, 1832, so far as relates to the county of Madison, be, and the same is hereby repealed.

Act concern-
ing witnesses,
of 3d Jan. 1832
repealed as to
Madison co.

Clerks to is-
sue subpoenas
from term to
term in said
county.

Sec. 2. *And be it further enacted*, That hereafter, when any witness or witnesses are summoned to appear at any of the courts of Madison county, the clerk of the court to which such witness or witnesses are summoned to appear, shall issue subpoenas for the same, from term to term during the pendency of the cause in which such witness or witnesses may have been summoned, or until the party, agent, or attorney of the party for whom such witness or witnesses may have been summoned, shall otherwise direct.

Approved, January 12, 1833.

[No. 75.]

AN ACT

To discontinue and establish certain Election Precincts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the election precinct established at the house of Param Pollard, in the county of Pickens, be and the same is hereby discontinued.

Election pre-
cinct discon-
tinued in
Pickens.

Sec. 2. *And be it further enacted*, That the election precinct heretofore established at the house of George Trenton, in the county of Pickens, be and the same is hereby discontinued; and that an election precinct in lieu thereof, be and the same is hereby established in the town of Vienna, in said county.

Sec. 3. *And be it further enacted*, That an additional election precinct, be and the same is hereby established at the store house of John Story, in the county of Pickens.

Sec. 4. *And be it further enacted*, That there shall be established an election precinct at Candy's landing, in the county of Greene.

Sec. 5. *And be it further enacted*, That an election precinct, be established at the house of George W. Hale, in Morgan county.

Sec. 6. *And be it further enacted*, That the election precinct heretofore established at the house of James Rice, in Morgan county, be and the same is hereby discontinued; and that an election precinct in lieu thereof, be established at the store house of John S. Brooks.

Sec. 7. *And be it further enacted*, That the election precinct heretofore established in the county of Montgomery, at the house of John Baleses, shall be discontinued; and one in lieu thereof, at the house of Hamblin Miles.

Sec. 8. *And be it further enacted*, That the election precinct heretofore established at the house of Joshua Halbert, in the county of Tuscaloosa, shall be and the same is hereby discontinued; and that in lieu thereof, an election precinct for said county, is hereby fixed at the house of A. D. Caraway.

Approved, January 12, 1833.

[No. 76.]

AN ACT

Requiring the Governor to reside at the Seat of Government.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the governor of this State, shall, as soon after the passage of this act, as practicable, reside at or in the vicinity of the seat of government.

Sec. 2. *And be it further enacted*, That the salary of the governor hereafter to be elected shall be, and hereby is fixed at the sum of twenty-five hundred dollars, payable quarter yearly, as heretofore.

Sec. 3. *And be it further enacted*, That the sum of five hundred dollars, be, and the same is hereby appropriated to defray the expense of removal, house rent, &c., of the governor for the present year, and that all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 12, 1833.

[No. 78.]

AN ACT

For the relief of purchasers of Sixteenth Sections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That every purchaser, or their executors or administrators, of any parcel or lot of the sixteenth sections of this State, having lost or mislaid his certificate of purchase, shall, upon making affidavit of such loss before any judge or justice of the peace of the county, in which the lot or parcel of land purchased, is sit-

Lost certificates may be renewed.

uate, have a duplicate certificate granted unto him or them, by the school commissioners of the sixteenth section in which his or their lot or parcel of land is situate, of the same tenor and effect with the original certificate of purchase; and such duplicate, certified, shall have the same force and effect of the original certificate of purchase.

Approved, January 12, 1833.

[No. 79.]

AN ACT

To explain in part and amend an Act entitled an Act concerning the assignment of Bonds, Notes, &c., and for other purposes, passed December 18, 1812.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the provisions of the first section of the above recited act, shall be construed to extend to and include promissory notes, or other instruments made payable to a certain person or bearer, to a fictitious person or bearer, to a chattel or bearer, or to bearer only, as fully as if the same had been therein mentioned by name: *Provided,* that nothing herein contained shall prevent the assignment of said note by delivery merely, so as to authorise the assignee to sue in his own name, subject always to the same payments, discounts and setts-off, that they would be were they assigned by endorsement as notes, &c. payable to a certain person, or to a certain person or order: *Provided, however,* that nothing herein contained shall be construed to extend to bank notes.

Approved, January 12, 1833.

[No. 80.]

AN ACT

To provide for the examination of the Bank of the State of Alabama, and its several Branches.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the governor to appoint three commissioners for the examination of each of the branches of the Bank of the State of Alabama, whose duty it shall be within two months immediately preceding the annual meeting of the general assembly, to proceed to the Branch Bank for which they may be appointed, and they to examine all books, papers and accounts, in said Bank or Branches, that said committee may deem proper and material for the better understanding of the condition of said Bank, or Branches; also, all cash on hand.

Sec. 2. *And be it further enacted,* That if, on the examination of said Bank or Branches, said commissioners shall find that any of the officers of said Bank have been guilty of fraud or great negligence in the management of his duty as such officer, they shall report the same to the board of directors of said Bank or Branch, as the case may be; and if said commissioners think the case requires it, they may recommend his removal from office; and if the board of directors, shall take the case under consideration, and every vote upon a question of removal from office, the board shall vote by yeas and nays, and shall enter their proceedings on their journals; and the said commissioners shall have power, and it is hereby made their duty, to examine the record of the proceedings of the board of directors of said Banks, and if they believe there has been any impropriety of conduct on the part of the directors, either by too great an emission of money, gross partiality, or from any other cause, it shall be their

That act how amended, &c.

Proviso.

Further proviso.

Governor to appoint commissioners to examine.

Their duty.

Further specifications of their duties.

duty to remonstrate in writing with said board of directors, and to transmit a copy of said remonstrance to the legislature at its next session.

Sec. 3. *And be it further enacted*, That if, in the opinion of said commissioners, any officers of said Bank or Branches shall have been guilty of fraud or gross impropriety, and the board of directors of said Bank or Branch, shall not on application remove said officer, said commissioners shall, by unanimous vote, have power to suspend such officer from office, until the next session of the general assembly; at which time the whole of their proceedings shall be reported within the first week of the session.

Officers guilty of fraud, &c. liable to be removed, how.

Sec. 4. *And be it further enacted*, That it shall be the duty of the president and directors, and all officers of said Bank, or Branches, to furnish said commissioners, when examining the Bank or Branch of which they may be officers, any information; and they shall be, moreover, bound to answer any interrogatory, put to them by said commissioners, which may be material to the subject of their investigation.

Duty of president and directors in regard to examining banks.

Sec. 5. *And be it further enacted*, That said commissioners may select their own time for the examination of the Bank or any of its Branches, and shall report to the legislature any violation of their respective charters, and shall receive for their services five dollars for each day they may be engaged in such examination, and four dollars for every thirty miles going to and returning from the same to their respective places of residence, to be paid on the certificate of the president of said Bank and Branches so examined, stating the time served by each commissioner, respectively.

Commissioners to report to Legislature

Their compensation.

Sec. 6. *And be it further enacted*, That said commissioners shall, each of them, before they enter upon the duties hereinbefore assigned them, take and subscribe an oath, faithfully to perform the duties required of them by law.

Commissioners oath.

Approved, January 12, 1833.

[No. 81.]

AN ACT

To authorise the Judges of the Supreme Court to hold adjourned terms.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judges of the supreme court, be, and they are hereby authorised to hold adjourned terms of said court, for the trial of such causes as the counsel and both sides thereof may agree to set for trial at such adjourned term, to be called and heard in the order in which they are set for trial, of which the clerk shall make record, and it shall be the duty of the court to cause to be entered of record at the time of sitting such causes for trial, the time of the commencement of such adjourned term.

Judges of Supreme Court may hold adjourned terms

Approved, January 12, 1833.

[No. 82.]

AN ACT

To distribute the funds arising from the sale of Sixteenth Sections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the funds arising from the sale of the sixteenth sections deposited in the Branch Bank of the State of Alabama, located at Montgomery, shall be loaned to the citizens of the several townships from which they may have arisen, and shall be re-

16th section funds deposited in Branch Bank at Montgomery to be loaned.

tained for that purpose, until the fifteenth day of February, in each and every year.

Sec. 2. *And be it further enacted*, That after the fifteenth day of February, in each and every year, the directors of said Branch Bank shall dispose of the above named funds as the other funds of the Bank.

Sec. 3. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 12, 1833.

[No. 83.]

AN ACT

To provide for taking depositions of Judges of the Circuit and Supreme Courts of the State of Alabama and for other purposes therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for any person or persons who may wish to use the testimony of the governor, treasurer, secretary of state, comptroller, or any one of the judges of the supreme court or circuit courts, or solicitors or clerks of the circuit and county courts of this State, president or cashier of the Bank of the State of Alabama or either of its Branches, register or receiver of any of the land offices in said State, in any civil matter or suit pending in any of the courts of this State, after making oath of the materiality of the testimony or witness in said suit, and that he is in one of the vocations above specified to proceed to take their or either of their depositions, in the same manner and under the same regulations and restrictions, as is now usual and lawful in taking depositions of non-resident citizens.

Approved, January 12, 1833.

[No. 84.]

AN ACT

To authorise the Tennessee Canal Commissioners to alter the plan of improvement on that river; and to direct the Receiver at the Land Office at Courtland where to make his deposits.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the board of Tennessee canal commissioners are hereby authorised to change the plan of improvement on said river, as they now are or hereafter may be allowed to do, by any act of the congress of the United States.

Commissioners authorised to alter plan, how.

Receiver at Courtland to retain funds, until, &c.

Pay to order of commissioners.

Future deposits to be in the Branch Bank, &c.

Orders of

Sec. 2. *And be it further enacted*, That the receiver at the land office at Courtland, be, and he is hereby required to retain all money received at his office for payment of lands since his last deposit in the Bank of the State of Alabama, or which he may hereafter receive; out of which the said receiver is hereby required to pay to the order of the canal commissioners any sums which they may direct in favour of any contractors or other person or persons, until the Branch of the Bank of the State of Alabama, located in the Tennessee valley, commences business; after which said receiver shall be required to deposit all sums of money by him received at his office, in the said Branch Bank in the same manner that he now is required to deposit in the Bank of the State of Alabama: And all orders drawn by said commissioners on the receiver, shall be evidence of the disposition of the money by him, and reserved as such: And the certificate of the cashier of said Branch Bank of any deposit, shall be evidence

of the payment by the receiver, according to the provisions of this act.

Sec. 3. *And be it further enacted*, That the Tennessee canal commissioners are hereby authorised to anticipate any payments for lands sold at the land office at Courtland, which may not be paid, should any contracts, which have or hereafter may be made by said commissioners, require for a full compliance a greater amount than is paid at the time; and for this purpose said commissioners are hereby authorised to transfer and pledge all the canal funds which have not been removed to the Branch of the Bank of the State of Alabama, in the Tennessee valley: And the president and directors of said Bank are required to lend to said canal commissioners, on any such pledge or transfer of said Tennessee canal funds, any sum which they may require to complete the payment of any contract, at the rate of six per cent. per annum: *Provided*, that they shall not lend a greater amount than the nett sum which may remain unpaid for lands: *And provided, further*, that said commissioners shall give said Branch Bank at least ninety days notice of any intended application for loan: *Provided further*, that the canal commissioners shall not be allowed to pledge the canal funds, and obtain money as herein provided for until after the first of May, 1834; and shall then not be allowed to pledge any debts but such as will fall due in May, 1835: *And provided, also*, that not more than twenty thousand dollars shall be borrowed within any period of sixty days; nor shall said commissioners borrow upon such pledge a sum exceeding in the whole, eighty per centum on the value of lands offered as a pledge.

Commissioners authorised to borrow from Branch Bank.

In certain cases to pledge funds.

Bank to lend to canal commissioners, on what terms, &c.

Proviso.

Further proviso.

Sec. 4. *And be it further enacted*, That all the bonds and funds arising from sales of sixteenth sections in the counties on the Tennessee river, shall be forwarded by the cashier of the Bank of the State of Alabama, to the Branch Bank in the Tennessee valley, where the bonds shall be collected and dividends paid over to the trustees of the several sixteenth sections.

Funds of 16th sections, their disposition.

Approved, January 12, 1833.

[No. 85.]

AN ACT

Prescribing the duties of Coroners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of every coroner, whenever any sudden death shall come to his knowledge, whether occurring by violence, casualty or in prison, to summon forthwith a jury of six householders of the county, of known discretion, and proceed immediately to make diligent inquisition concerning the cause thereof, and all the material circumstances connected with such sudden death; for which purpose the coroner may summon witnesses who shall attend and give testimony, under all the penalties provided against other witnesses summoned in behalf of the State: which inquisition so taken, shall be committed to writing, and returned to the next circuit court of the county. And if, after hearing the testimony, there shall be probable grounds to suspect any one of unlawfully causing the death in question, or of being concerned therein, the coroner shall issue a warrant for the apprehension of such person; or if he be escaped to another county,

Coroner to hold inquests in certain cases.

To issue warrants, when.

To recognize
witnesses, &c.

shall apply to some justice of the peace to issue the same: and such person, when so apprehended, shall be carried before justice of the peace of the county where the death occurred, to be dealt with according to law. It shall also be the duty of the coroner, on the issuance of such warrant by himself or the justice, to bind over all witnesses who have given material testimony, to attend the next circuit court; and shall return the recognizances of the witnesses, certified, with the inquisition. It shall moreover be lawful for the coroner, and it is made his duty, as often as circumstances may require it, to call to his aid the power of the county.

Coroner's du-
ties in certain
cases.

Sec. 2. *And be it further enacted*, That the coroner shall execute all process when the sheriff is a party in interest, to any suit in the circuit or county court, and perform all the duties of sheriff, whenever from any cause, he may be incompetent to act as such. He shall also be keeper of the jail when the sheriff is imprisoned upon any civil or criminal process; and for failing to perform any of the duties prescribed in this section, shall be liable to all the penalties prescribed against sheriffs and jailors for similar defaults.

Liabilities,
&c.

Additional
bond may be
required,
from.

Sec. 3. *And be it further enacted*, That whenever the coroner shall be required to discharge the duties of sheriff, agreeably to the laws now in force, the judge of the county court may at his discretion, demand of such coroner, such additional bond, as he may deem necessary or advisable.

For failure to
do as required
by 1st sec-
tion; how re-
sponsible.

Sec. 4. *And be it further enacted*, That if any coroner shall fail to perform any of the duties required of him in the first section of this act, he shall be liable, together with his securities, to to pay such damages, not less than two hundred dollars, as may be assessed by a jury, to be recovered on his official bond by any one who will sue for the same; and in addition, shall be liable to be indicted and fined, not exceeding one hundred dollars.

Where no
coroner, jus-
tice to act,
&c.

Sec. 5. *And be it further enacted*, That when there is no coroner in the county, or he cannot attend, any justice of the peace may perform his duties in making the inquisition as afore- said; and for such services, shall receive the fees allowed to the coroner.

Repeal.

Sec. 6. *And be it further enacted*, That so much as relates to coroners, of an act passed February 10, 1807, entitled "an act respecting sheriffs and coroners," is hereby repealed.

Judges of
county courts
to appoint
coroners,
when.

Sec. 7. *And be it further enacted*, That the judges of the county courts shall have power to appoint a coroner in cases where there shall be no coroner in said county, when it may become necessary for any process to be served on the sheriff.

Approved, January 12, 1833.

* [No. 85.]

AN ACT

The better to secure the Funds of the University of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the funds arising by the sale of the lands granted by the United States, for the support of a seminary of learning in this State, which have heretofore been vested as capital stock

University
funds conver-
ted into State
Bank stock.

in the Bank of the State of Alabama, shall form a part of the capital of said Bank, and that the certificates of State stock issued by the governor, and the president and directors of the said Bank, to the trustees of the university of Alabama, for the moneys thus vested, and shall be and the same are hereby declared obligatory on the State in the same manner as though they had been issued by authority of law and that all moneys hereafter recovered as aforesaid, with the exception of the interest which may accrue and be collected on out standing bonds, where the land has been sold on a credit, shall in like manner be vested as capital in said Bank, and the faith and credit of the State, be and the same is hereby pledged, for the safety of the funds thus vested and provided to be invested in the same manner as is provided in the first section of an act entitled an act to establish the Bank of the State of Alabama, approved December the twentieth, eighteen hundred and twenty three.

Money arising from sales of land, except interest, to become bank stock.

Faith of the State pledged for safety of said funds.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions and meaning of this act, be and the same are hereby repealed: *Provided*, that the investments hereafter made of the funds of the university in State stock and the investments made by this act, shall, when taken together, never exceed three hundred thousand dollars.

Repealed.
Proviso.

Approved, January 12, 1833.

AN ACT

[No. 87.]
Regulating the compensation of jailors for victualling slaves confined in jail, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of February next, it shall not be lawful for any jailor in this State, to charge more than twenty-five cents per diem, for victualling any slave whilst confined in jail, any law, usage or custom to the contrary notwithstanding.

Pay for victualling.

Sec. 2. *And be it further enacted*, That when any slave shall be committed to jail when the weather is inclement, or shall remain in jail until the weather shall become inclement, that it shall become the duty of said jailor to furnish said slave with two good blankets, for which he shall be remunerated and paid by the owner or owners of said slave, before he or she is released from custody.

Jailor to furnish blankets to slave in cold weather.

Approved, January 12, 1833.

PRIVATE AND LOCAL ACTS.

[No. 1.]

AN ACT

To amend an act entitled an act to provide for Digesting the Laws of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the time within which the commissioners appointed by the above recited act, were required by the third section of said act, to make report to the general assembly of the manner in which the laws had been digested, be and the same is hereby extended to the first day of December next.

Approved, December 1, 1832.

[No. 2.]

AN ACT

To authorise Benjamin Dunn and his associates, to erect a Toll Bridge across Mulberry Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Benjamin Dunn and his associates are hereby authorised to erect a toll bridge across Mulberry creek, at or near Gardner's ford; and shall receive such toll only as shall be allowed by the judge and commissioners of roads and revenue of the county court of Dallas county; which rates may be increased or diminished at the first session of said court in each and every year: *Provided*, the ford on said road as it now runs or may hereafter run, shall in no wise be obstructed by the erection of said bridge.

Approved, December 1, 1832.

[No. 3.]

AN ACT

For the benefit of Mary A. Watson and others, heirs of William C. Watson, deceased, late of the county of Henry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the person or persons who are or may be appointed guardian or guardians by the orphan's court of Henry county, of the infant heirs of William C. Watson, deceased, late of said county, be and they are hereby authorised and empowered to remove all the personal estate belonging to said heirs, which hath or may come to their hands as guardian or guardians, from this State to the State of Georgia; and it shall not after the removal of said estate, be necessary for said guardian or guardians, to make settlement with the orphan's court of the said county of Henry: *Provided, however*, that it shall be the duty of said guardian or guardians to make full and complete returns of the estate of said heirs, that hath or may come to their hands as such guardian or guardians, to the said orphan's court of Henry county, before they remove any part of said estate: *Provided further*, that the guardian or guardians so appointed, produce to the orphan's court of Henry county, satisfactory evidence of his regular and legal appointment as such, in some county in the State of Georgia.

Approved, December 4, 1832.

[No. 4.]

AN ACT

To make an appropriation for paying the Commissioners appointed to examine the new Digest.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That seven hundred and fifty dollars, be and the same is hereby appropriated, out of which the commissioners appointed to examine the manuscript copy of the new digest, may be paid out of any moneys in the treasury, not otherwise appropriated.

Approved, December 4, 1832.

[No. 5.]

AN ACT

To Incorporate the Town of Waterloo, in Lauderdale County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town of Waterloo, in the county of Lauderdale, be, and the same is hereby incorporated, including all the territory in the limits of that town, agreeably to its original plan, together with the lots on which the buildings called Adkinson's warehouse, is situated. Waterloo in-
corporated.

Sec. 2. *And be it further enacted,* That all free white male persons of said town living and residing within the limits of the said incorporation, above the age of twenty years, are hereby authorised to vote for and elect seven persons residing in said town limits, as trustees of said corporation, a majority of whom shall constitute a quorum to do business, who are empowered to superintend the police of said town, by passing such by-laws not contrary to the laws of the United States, or of this State, as they may think proper for the government of said town, and for the suppression and removal of nuisances, laying off and repairing the streets and ways, as may be within the above mentioned boundaries. Who may
vote for trus-
tees.

Quorum.

Sec. 3. *And be it further enacted,* That the said trustees, or a majority of them, are hereby authorised to assess such taxes on all property lying within the limits of said corporation, as they may think proper for all the purposes of a proper police, and a necessary revenue therefor; also, such reasonable poll tax as they may think fit. Trustees to
assess taxes.

Sec. 4. *And be it further enacted,* That the said trustees shall meet on the day next succeeding their election, and choose from amongst themselves a president, who shall preside and keep order at all the meetings of said trustees; and the president of said trustees is hereby vested with all the powers and privileges of a justice of the peace within the corporate limits of said town; and at the same time and place the said trustees shall elect a treasurer for the corporation, and a constable; and the said constable so elected shall be vested with all the powers, privileges and duties of a constable within the corporate limits aforesaid, and to whom the taxes aforesaid shall be given in on oath, and who shall collect and pay over the same to the treasurer of said town. To elect pres-
ident.

President ex-
office, justice
of the peace.

Treasurer
and constable
to be elected.

Sec. 5. *And be it further enacted,* That the officers of said incorporation shall receive for their services such fees as may be allowed them by the trustees of said town. Fees.

Sec. 6. *And be it further enacted,* That the election for trustees shall be held on the first Monday in March next, and forever thereafter on the same day in each succeeding year, from twelve Election of
trustees, when
held.

o'clock, A. M. to three o'clock, P. M. under the direction of a justice of the peace of said county, and two house holders or free holders, in such place in said town as such justice may direct.

Vacancies.

Sec. 7. *And be it further enacted*, That if any vacancies occur in said board of trustees, such vacancies shall be filled by the remaining trustees, and the member or members so added, shall continue in office until the succeeding annual election.

Oath of officer

Sec. 8. *And be it further enacted*, That the said trustees and other officers, before they enter upon the duties of their respective offices, take and subscribe an oath before some person qualified to administer the same, faithfully and correctly to discharge the duties to them committed, according to the best of their abilities, without favor or partiality.

Patrols.

Sec. 9. *And be it further enacted*, That the said trustees shall have power to appoint patrols within the limits of said town, whenever it may appear to them necessary, and to impose fines and penalties for the non-performance of the duties prescribed for such patrols.

Exemption from working on roads.

Sec. 10. *And be it further enacted*, That all persons living within said corporation shall be exempt from working on roads, other than those within the limits of the corporation.

Trustees to continue in office until successors are elected.

Sec. 11. *And be it further enacted*, That if from any cause the regular annual election of trustees, should not take place at the proper time, that the president of the board of trustees shall be authorised to hold an election for the officers of said corporation, after giving ten days notice of the time and place of the same, and that the said trustees and other officers of said town, shall remain in office and authority until their successors are duly qualified.

Approved, December 13, 1832.

[No. 6.]

AN ACT

To amend an Act entitled an Act to Incorporate Valley Creek Academy, in the County of Dallas, approved, January 15, 1829.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, the number of trustees of the Valley Creek academy, be reduced to five; and that George Phillips, James C. Sharp, Isaac Moore, George Childers and Thornton B. Goolsby, and their successors, be invested with all the powers heretofore granted to the said trustees; and that three shall constitute a quorum to transact business.

Trustees.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening this act, be, and the same are hereby repealed.

Approved, December 13, 1832.

[No. 7.]

AN ACT

Authorising a Lottery for the Benefit of Lowndes Lodge, No. 33, of Ancient Free-Masons.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall and may be lawful for Thomas Harrison, James Lafayette Cottrell, John M. Sallee, George W. Esselman and George Givam, or any three of them, to raise by lottery any sum not exceeding eight thousand dollars, to be appropriated in erecting and furnishing a Masonic hall for the use and benefit of Lowndes lodge, No. 33, of Ancient Free-Masons.

Lottery authorised for Lowndes Lodge, No. 33.

Sec. 2. *And be it further enacted*, That the aforesaid Thomas Harrison, James Lafayette Cottrell, John M. Sallee, George W. Esselman and George Givam, or any three of them who may serve, shall, before they enter upon the duties assigned to them in this act, enter into bond with sufficient security, before the judge of the county court of Lowndes, conditioned for the faithful discharge thereof, which bond may be put in suit in the name of the governor of the State of Alabama, for the time being, by any person injured by a breach of any of the provisions of this act. Managers to enter into bond.

Sec. 3. *And be it further enacted*, That it shall be the duty of the aforesaid persons, or as many of them as choose to act, within ninety days from the completion of the drawing of said lottery, to pay to the fortunate drawers in said lottery, or to their heirs or assigns, such prizes as may be due agreeably to the scheme they may have determined on and published. Prizes.

Sec. 4. *And be it further enacted*, That the drawing of said lottery shall be in the town of Hayneville, giving due notice of the time of such drawing, which shall be conducted in such manner and under such regulations and responsibilities, as to the aforesaid persons may seem most expedient: *Provided*, that each clerk or other person concerned in the drawing, shall take an oath before any justice of the peace, or judge of the county court, faithfully to discharge their respective duties. Where drawn

Sec. 5. *And be it further enacted*, That the drawing of said lottery, or the first class thereof, shall take place within one year from the publication of the scheme: And if said lottery, or class of said lottery, shall not be drawn within the time specified, the purchasers of tickets may demand and receive of the managers, or persons before named, in the first and second sections of this act, any money disbursed for tickets in said lottery: *Provided*, that the said commissioners shall have five years to complete said lottery. When drawn.

Sec. 6. *And be it further enacted*, That the commissioners aforesaid, shall report to said lodge within twelve months from the passage of this act, and such times thereafter as may be ordered by said lodge, the progress made in the sale of tickets, or the drawing of said lottery. Commissioners to report, &c.

Sec. 7. *And be it further enacted*, That said commissioners shall pay over all and any money which may be raised under this act, to the order of said lodge, or to such person or persons as may be authorized to receive the same by said lodge, for the purpose of erecting and furnishing said Masonic hall. To pay over money.

Sec. 8. *And be it further enacted*, That the master of said lodge be, and he is hereby authorized by, and with the consent of the officers and members of said lodge, to acquire by purchase, or accept as a donation an eligible lot or parcel of ground not exceeding one acre, within the town of Hayneville, on which to erect said Masonic hall, and the title to or in said lot or parcel of land, with all and singular the appurtenances so obtained as aforesaid, shall vest and is hereby vested in the master, officers and members of said lodge, and their successors in office, to the sole use and behoof of said lodge.

Approved, December 13, 1832.

[No. 8.]

AN ACT

Supplemental to an act, entitled an act, supplemental to an act, to establish a Turnpike Road therein mentioned, approved, January 7, 1832.

Blount county, certain rights extended to.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the benefits of the third provision of the first section of an act, approved, January 21st, 1832, entitled an act supplemental to an act, to establish a road therein mentioned, approved, January the seventh, eighteen hundred and thirty, be and the same is hereby extended to the citizens of Blount county, any law, usage or custom to the contrary notwithstanding.

Approved, December 15, 1832.

[No. 9.]

AN ACT

Explanatory of an act, approved December 28th, 1831, to attach a portion of the territory of the county of Pike to the county of Henry.

Part of Pike added to Henry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, all that territory lying south of the Ufalla creek, commencing where the township line between eight and nine intersects the Indian boundary line, thence north east along said line, to where the same crosses the most southern prong of the Ufalla creek, the better known by Sandy creek, thence down said creek to the Chattahoochy river, thence down said river to where the Indian boundary line intersects the same, thence northeast along said line to the beginning point, be and the same is hereby attached to and shall compose a part of the county of Henry.

Approved, December 15, 1832.

[No. 10.]

AN ACT

To establish a Public Road from the house of David Day in Morgan county, to Weeden's old place in Blount county.

Road established.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a public road leading from the house of David Day in Morgan county, the nearest and best route to where it intersects Stout's road at Weeden's old place in Blount county, be and the same is hereby established.

Preston, Nelson and associates, authorised to open road.

Width, &c.

Sec. 2. *And be it further enacted,* That Preston Nelson and his associates, be and they are hereby authorised and empowered to lay out and open the said road by the most eligible route which they have or may discover; the said road shall be eighteen feet wide clear of all obstruction, twelve feet of which in the strait general direction of said road shall be cleared of stumps and grubs, either taken up by the root or levelled with the ground, the sloping ground and bank of water courses shall be worked upon as to insure the safe and easy passage of horsemen and carriages of every description; all marshes and creeks where necessary, shall be causewayed with good and durable timbers, put together in a substantial and workman like manner, with ditches on each side of causeways whenever necessary; the causeways and bridges shall be twelve feet wide.

To report to county court of Morgan.

Sec. 3. *And be it further enacted,* That the said Preston Nelson and his associates, when they shall have completed the said road and reported the same to the county court of Mor-

gan county, it shall be the duty of said court to appoint three suitable persons to examine said road and report their opinion to the county aforesaid; and the said commissioners shall receive for their services, such compensation as the county court may direct to be paid by the said Preston Nelson and his associates. Court to appoint committee to examine road.

Sec. 4. *And be it further enacted*, That should the commissioners appointed by the third section of this act, report that said road is in good order, then and in that case the said Preston Nelson and his associates, are hereby authorised to erect a turn pike gate at some convenient place, and demand of and from each and every person who shall or may travel on said road, the following rates of toll, to wit: for every four wheeled carriage, fifty cents; for every two wheeled carriage, twenty five cents; for every man and horse, twelve and one half cents; for every loose horse, six and one fourth cents; for every head of cattle, sheep or hogs, two cents; and if any person shall pass round said gate with the intent to avoid the payment of the toll, he or she so offending, and for each similar offence, shall forfeit and pay to the said Preston Nelson and his associates, treble the amount which his or their toll would have been, to be recovered before any justice of the peace with legal costs for the same. Turnpike gate.
Toll rates.

Sec. 5. *And be it further enacted*, That it shall be the duty of the county court of Morgan county, when application is made, to appoint three suitable persons to examine said road and report their opinion to the county court, and if in the opinion of the commissioners appointed by virtue of this act, the road is not in good order, they shall direct the turn pike gate to be opened and no toll shall be received under the penalty of twenty dollars for each and every offence, until said road shall be repaired in a good and sufficient manner, and the said Preston Nelson and his associates shall have all the benefits arising from the tolls for the period of fifteen years. No toll whilst the road is out of repair.
Penalty.

Approved, December 15, 1832.

[No. 11.]

AN ACT

More effectually to secure the compensation allowed by law to the jurors of Butler county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the commissioners court for said county at the term of the court when they shall be required to levy the county tax, to set apart so much of the same as shall be sufficient to pay the jurors of said county for one year thereafter. Butler county court, to set apart a fund for jurors.

Sec. 2. *And be it further enacted*, That it shall be the duty of the treasurer of said county, so soon as the said tax shall be collected by him, to hold the amount set apart as aforesaid, for the purpose of paying the jurors as aforesaid; and the said treasurer is hereby required to attend himself or by agent, at the place of holding court for said county, the two last days of each term of every court, and he shall out of said fund, discharge all jury certificates issued by the clerk, which may be presented for payment. Treasurer's duty.

Approved, December 15, 1832,

[No. 12.]

AN ACT

To extend the limits of the Town of Columbiana.

Section 1. *Be it enacted by the Senate and House of Repre-*

representatives of the State of Alabama in General Assembly convened, That the limits of the town of Columbiana in Shelby county, be so extended as to form a square of one half mile with the court house in the centre.

Sec. 2. *And be it further enacted*, That all persons hereafter residing within the limits above established, shall be entitled to all the privileges and advantages of those residing within the former limits.

Approved, December 17, 1832.

[No. 13.]

AN ACT

To Incorporate the Town of Lowndesborough, in Lowndes county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Lowndesborough in the county of Lowndes, be and the same is hereby incorporated: and that all that tract of land embraced in the north east quarter section, in section thirteen, township fifteen and range fourteen, be and the same is hereby declared to be within the limits of the same.

Incorporation.

Election of councillors.

Sec. 2. *And be it further enacted*, That on the first Monday in April in each and every year, an election shall be held at the most public and convenient place in said town for five councillors who shall serve for the term of one year, which election shall be conducted by any two of the then acting councillors, and the said councillors shall on the day succeeding their election, in each and every year meet and designate by a majority of votes from their own body, an intendant, whose duty it shall be to preside at all meetings of the councillors, and in his absence or incapacity to attend, any member may be called to the chair, and a majority of said board of councillors shall constitute a quorum to do business, and said board is hereby constituted and declared to be a body politic and corporate, by the name of the intendant and council of the town of Lowndesborough, and by that name shall have and enjoy all the rights, powers and privileges, and be subject to all the liabilities that are incident to bodies corporate.

Intendant.

Quorum.

Bye-laws.

Sec. 3. *And be it further enacted*, That the said corporation shall have full and complete power to make such bye-laws and ordinances as they may think proper for the good government of said town, and to affix such fines and penalties as may be deemed necessary to enforce the same: *Provided*, said laws and ordinances be not repugnant to the constitution and laws of this State, and of the United States.

Taxes.

Sec. 4. *And be it further enacted*, That the said corporation shall be authorised to raise a revenue, to carry into effect all the objects of the corporation, by laying a tax upon all town lots, houses, sales at auction, and on all species of merchandise vended or sold by the merchants of said town: *Provided*, that said tax shall not exceed one half of the county tax.

Constable and other officers.

Sec. 5. *And be it further enacted*, That the said corporation shall appoint a constable and such other officers as they may deem expedient.

Intendant ex-officio justice of the peace.

Sec. 6. *And be it further enacted*, That the said intendant shall, ex-officio, be vested with all the powers and authorities that justices of the peace are by the laws of this State, and shall and may exercise the same within the limits of the said corporation, and the said constable shall be vested with all the powers and au-

thorities that constables of the county are by the laws of this State, and may exercise the same within the limits of said corporation, and the said intendant and constable shall be liable to the same restrictions and penalties, as justices of the peace and constables of the county are.

Sec. 7. *And be it further enacted*, That should any vacancies occur in the said board, such vacancies shall be filled by the remaining members of the board, and the member or members so added, shall continue in office until the succeeding election, and the intendant, councillors and other officers shall continue in office until their successors are qualified. Vacancies.

Sec. 8. *And be it further enacted*, That the said intendant and councillors and other officers shall, before they enter on the duties of their respective offices, take an oath before some justice of the peace, faithfully and correctly to discharge the several duties imposed by this act, without favor or partiality. Oath of Office.

Sec. 9. *And be it further enacted*, That the said constable shall not only take the oath required by this act, but shall before he enters on the duties of his office, enter into bond with good and sufficient securities to be approved by the intendant of the said corporation. Constable's oath and bond.

Sec. 10. *And be it further enacted*, That Bird C. Smith, John Dudley and Warren Carleton, be and they are hereby appointed commissioners to hold the first election for said councillors, which election shall take place on the first Monday in April, eighteen hundred and thirty three, at the place designed by this act. Commissioners appointed to hold election.

Sec. 11. *And be it further enacted*, That the election for said councillors of the town of Lowndesborough, shall commence at the hour of twelve o'clock, and be kept open until the hour of four in the afternoon, and that all free holders and householders twenty one years of age and residing within the limits of the said corporation, be competent to vote for said councillors. Who may vote.

Approved, December 17, 1832.

[No. 14.]

AN ACT

Authorizing a Lottery for the improvement of a Road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for Stephen S. Ewing, John C. Grayson, Joseph Pickens, William Hallowell and John R. H. Acklen, or a majority of them, to raise by lottery, in one or more classes, as to them may seem most convenient, any sum not exceeding three thousand dollars, to be appropriated in levelling, turnpiking and otherwise improving the road which crosses Flint river, near Bryant Cobb's, thence running through the Big Cove, in Madison county, across the mountain and intersecting the main Ditto's landing road near Stephen S. Ewing's residence, in said county; and that the said Stephen S. Ewing, John C. Grayson, Joseph Pickens, William Hallowell and John R. H. Acklen, or as many of them as may choose to serve, shall, before they enter upon the duties assigned them by this act, enter into bond with sufficient security in the penal sum of double the amount, which they may propose to raise by said lottery, before the judge of the county court of Madison county, conditioned for the faithful dis- Lottery authorised for a road crossing Flint river through the Big Cove, in Madison county.

Managers to give bond.

charge thereof, which bond may from time to time, be put in suit in the name of said judge, by any person injured by a breach of the provisions of this act.

Prizes.

Sec. 2. *And be it further enacted*, That it shall be the duty of the aforesaid persons, or as many as may choose to act within ninety days after the completion of any or either of the classes of the said lottery, to pay to the drawers therein, or to their heirs or assigns, such prize or prizes as may be due upon the scheme which they may have determined upon and published: *Provided*, that if any prize drawn be not demanded, by the holder of the ticket to which such prize is due, or by the heirs or assigns of such person, within ninety days after the completion of the drawing, the same shall be deemed a donation towards the improvement of the said road, and the said managers shall not thereafter, be compelled to pay the same.

Provide.

Lottery, where to be drawn.

Sec. 3. *And be it further enacted*, That the drawing of the said lottery may be in the town of Huntsville, or any other place that may be agreed upon by said managers, giving due notice of such place and of the time of drawing, which shall be conducted in such manner and under such regulations and responsibilities, as to the aforesaid persons may seem most expedient; and each clerk or other person concerned in the drawing, shall previously take an oath before some justice of the peace of the said county, faithfully to discharge his duty.

Oath.

When drawn.

Sec. 4. *And be it further enacted*, That if either of said classes be not drawn within one year after the scheme shall have been published, and the day thereof appointed, the same shall cease, and the purchasers of tickets may demand and recover of the managers, or persons before named in the first section of this act, any money disbursed for tickets in said lottery.

Board of improvement.

Sec. 5. *And be it further enacted*, That Stephen S. Ewing, John C. Grayson, Joseph Pickens, William Hallowell and John R. H. Acklen, be, and they are hereby constituted a board of improvement, whose duty it shall be to appoint a president, and make suitable regulations for their government; and the said board shall or may divide the said road into such sections as they may think proper, and let them out to the lowest bidder, after due notice, each section of said road to be bridged, causewayed and turnpiked or improved in such manner as they may direct.

Duties of managers and board of improvement.

Sec. 6. *And be it further enacted*, That it shall be duty of the managers appointed in the first section of this act, each member of the aforesaid board of improvement, stating the precise amount of money raised, and the said board shall not be required to act until they shall have been so notified, but when so notified, they shall be required to assemble by their president, and proceed immediately to the accomplishment of the object herein contemplated.

Road to be free.

Sec. 7. *And be it further enacted*, That the said road when completed, shall forever remain free to the use and occupation for the time being, of all persons whatsoever, without toll or exaction.

Compensation.

Sec. 8. *And be it further enacted*. That the said board of improvement shall receive themselves, and shall allow to the managers aforesaid, reasonable compensation, for the time they may be actually engaged in the duties herein assigned them.

[No. 15.]

AN ACT

To divide the Third Regiment of the Militia of this State, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the third regiment of the militia of this State, shall be divided and compose two regiments. 3rd regiment divided.

Sec. 2. *And be it further enacted,* That the line which divides the first and second battalion of the third regiment of the Alabama militia, shall be the dividing line between the third and sixty-second regiment of the militia of this State; and that all that part of the battalion lying west of said line, shall hereafter compose the third regiment of the militia of this State. Dividing line.

Sec. 3. *And be it further enacted,* That all that part lying east of the aforesaid line, being the second battalion of the third regiment, shall hereafter compose the sixty-second regiment of the militia of this State.

Sec. 4. *And be it further enacted,* That the regiment hereby created, shall be organised in the manner now provided for by law.

Sec. 5. *And be it further enacted,* That all that section of country, and the persons residing thereon, lying north of the line, dividing the county of Pickens into two regiments, shall be and compose the thirty-fourth regiment of Alabama militia. Militia in Pickens.

Sec. 6. *And be it further enacted,* That all elections for militia officers held in the county of Pickens since the passage of an act entitled, an act to form a new regiment in the county of Pickens, approved, December 28, 1831, be, and the same are hereby legalized. Certain elections legalized.

Sec. 7. *And be it further enacted,* That the justices of the peace in said county, who were elected on the first Monday in March, 1832, or have been elected in said county, since the first Monday in March, 1832, or may hereafter be elected in said county, shall have in all respects such jurisdiction and authority as they might or would have possessed, had not said county of Pickens been divided into two regiments until the first Monday in March, 1835: after which time each beat in each regiment of said county of Pickens, shall be organized in such manner as is now required by law. Justices of the peace in Pickens.

Approved, December 21, 1832.

[No. 16.]

AN ACT

For the relief of the Register and Receiver of the Land Office at Courtland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the register and receiver of the land office at Courtland, shall hereafter dispense with the book kept in said office called the journal, any law to the contrary notwithstanding. Journal dispensed with.

Approved, December 21, 1832.

[No. 17.]

AN ACT

To establish a Bridge on the Fish Dam Ford on Flint river in Morgan county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Malcolm Gilchrist or his assigns, being owner of the land at the fish dam ford on Flint river in Morgan county, shall be authorised to establish a toll bridge across Flint river, at the fish dam ford, and shall be authorised to receive the tolls fixed M. Gilchrist or assignee authorised to establish a Toll.

Proviso.

by the commissioners' court of Morgan county, who from time to time shall have power to regulate the rates of toll: *Provided*, that the owner of said bridge shall never obstruct or injure the ford on said river or the navigation thereof, and the said bridge shall in all things be under the control of said court as public ferries are.

Approved, December 21, 1832.

[No. 18.]

AN ACT

For the relief of the Tax Collector of Walker county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Heard, tax collector in the county of Walker for the year 1832, be and he is hereby allowed until the first day of April next, to make final settlement and payment of the county tax of said county: *Provided*, the securities of the said tax collector give their assent thereto in writing, to be filed in the office of the clerk of the county court of said county.

Approved, December 21, 1832.

[No. 19.]

AN ACT

To provide for the payment of Tales Jurors in the County of Fayette.

Compensation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall and may be lawful for the tales jurors of Fayette county, to demand and receive as compensation for their services the sum of twenty-five cents each for every cause on which they may determine in the circuit court of said county, to be paid by the successful party on the delivery of their verdict.

Clerk's duty.

Sec. 2. *And be it further enacted*, That it shall be the duty of the clerk of said court, to tax in the bill of cost, the amount paid said tales jurors by the provisions of the first section of this act; which amount shall be collected and refunded to said successful party.

Approved, December 21, 1832.

[No. 20.]

AN ACT

To enable Robert H. Watkins, to erect a Dam on the Tennessee River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for Robert H. Watkins, and he is hereby authorised to erect a wing dam on the southern shore of the Tennessee river, at any point opposite to the sixteenth section, in township three, range eight west from Huntsville, for the purpose of erecting mills and other machinery: *Provided*, that said Robert H. Watkins, shall not overflow any land which does not belong to him, or in any manner impede or obstruct the navigation of the Tennessee river, now or at any time hereafter.

Approved, December 21, 1832.

[No. 21.]

AN ACT

For the relief of Eliza W. Baker and Angerona Crockett.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for Eliza W. Baker to take, receive and hold by purchase, gift or inheritance, any property, either real or personal, free from the hindrance, molestation or authority of her husband, Mosely Baker, and the same to dispose

of, by will, gift or sale, in the same manner as if she was a feme sole.

Sec. 2. *And be it further enacted*, That all the rights and privileges granted by this act to Eliza W. Baker, be, and the same are hereby granted to Angerona Crockett; and all the disabilities imposed on Mosely Baker, be, and the same are hereby imposed on Robert K. Crockett.

Approved, December 21, 1832.

[No. 22.]

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AN ACT

For the relief of John S. Gorman.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the comptroller of public accounts, be, and he is hereby required to issue his warrant in favor of John S. Gorman, for the sum of two hundred and seventy-five dollars, for work done on the state capitol, to be paid out of any money in the treasury not otherwise appropriated.

Approved, December 21, 1832.

[No. 23.]

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AN ACT

To Incorporate the Chickasawbogue Creek Navigation Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Raines, James R. Bryan, David Hogan, Gaius Whitfield, Gorham Davenport, Greenbury Taylor, Thomas Ringgold, George Cunningham and Austin Eskridge, be, and they are hereby appointed commissioners to open books at the town of Linden, in the county of Marengo, and such other place or places as they may think proper, to receive subscription of stock in the Chickasawbogue creek navigation company, in shares of twenty dollars each.

Commissioners to open subscription books.

Sec. 2. *And be it further enacted*, That said subscribers be, and they are hereby created a body politic and corporate, by the name and style of the Chickasawbogue creek navigation company, with all the powers, rights and privileges and immunities usual and incidental to bodies corporate and politic, subject to the rules, regulations and restrictions herein-after mentioned, with power to purchase, hold and dispose of for the benefit of said corporation, real, personal and mixed estates, not exceeding double the amount of stock subscribed.

Style of corporation.

Sec. 3. *And be it further enacted*, That for the management of the affairs of said corporation, there shall be elected five directors annually, in or adjacent to the town of Linden, or such other place as may be designated, on the first Monday in January, in each year, by said subscribers and stockholders; and the directors thus elected, shall serve for one year; and said board shall annually, at their first meeting after their election, elect one of their members to be president of their corporation, who shall hold the said office for the said period for which the said directors are elected as aforesaid, and until their successors are qualified: *Provided*, that in the event of the death, removal or resignation of the president of said corporation, or his absence from the State of more than six months, the directors shall proceed to elect another president from the directors as aforesaid; and in case of the death, removal, resignation, or election to the

Directors to be elected.

President elected.

Proviso.

presidency of a director, the vacancy may be supplied by the board.

Directors
elected.

Sec. 4. *And be it further enacted*, That as soon as the sum of three hundred dollars shall be subscribed, notice thereof shall be given by the commissioners in any manner that they may think most conducive to the best interest of said company by publication; and the said commissioners shall at the same time and in like manner, notify a time and place at Linden, at a distance of ten days from the time of such notification, for proceeding to the election of five directors, and the election then and there made, shall be lawful; and the persons so elected, shall be the first directors of said company, and shall proceed to the election of a president as aforesaid, and the president and directors of said company, so elected, shall be capable of serving in their respective offices by virtue thereof, until the end and expiration of the first day of January next ensuing said election; and they shall thenceforth commence and continue the operation of said company.

Three directors
to constitute
a board.

Sec. 5. *And be it further enacted*, That not less than three directors shall constitute a board to do business, of whom the president shall always be one, except in cases of sickness or necessary absence; in which case, his place may be supplied by another director, whom he may depute in writing for that purpose; and the director so appointed, may do and transact all the necessary business belonging to the office of the president, during the sickness or necessary absence of the president.

Directors
may call a
meeting of
stockholders.

Sec. 6. *And be it further enacted*, That it shall be lawful for the directors to call a general meeting of the stockholders at any time they may deem necessary and expedient; and any number of stockholders, not less than five, who, together, shall be the proprietors of fifty shares or upwards, shall have power at any time to call a general meeting of the stockholders for the transaction of the business of the corporation, giving at least two weeks public notice, and specifying the object of said meeting; the officers of the corporation shall previous to their entering upon the duties of their respective offices, give bond and security in such form as the directors may direct for the faithful performance of their duties, respectively.

Officers to
give bond.

From what
points to be
improved.

Sec. 7. *And be it further enacted*, That said corporation shall have power and authority to open and improve the navigation of the Chickasawbogue creek, from its mouth up to Greer's ferry, on said creek, by removing the obstructions therein, and opening canal or canals, or in such other way as they may deem expedient: *Provided*, that no such improvement shall be made on the property of others, without the consent of the owner or owners, previously obtained for that purpose.

Writs of ad
quod damnum

Sec. 8. *And be it further enacted*, That if said corporation cannot obtain the consent of the owner or owners of land through which the said improvement may pass, it shall be lawful for said corporation to apply for and obtain a writ of *ad quod damnum*, as in other cases, to the sheriff of Marengo county, whose duty it shall be to summons a jury of twelve freeholders in said county, and cause an inquest to be taken of such land as may be necessary for the corporation to progress with their operations, and all other damages which the owners thereof may sustain; which inquest

shall be returned to the county court of Marengo county, at the next succeeding term thereof; and the clerk of said court shall, at the request of the president of the said corporation, issue a summons directed to the sheriff, commanding him to summons the proprietors of said land, condemned as aforesaid, to show cause why judgment should not be rendered by said county court vesting the title of said land in the said corporation.

Sec. 9. *And be it further enacted*, That the said county court shall have power to confirm the inquest of said jury, or quash the same for good cause shown: and if confirmed, to vest the fee simple in said land in the said president, directors and company, and their successors, upon their payment of the value of said land, assessed by said jury aforesaid. County court to confirm inquest.

Sec. 10. *And be it further enacted*, That if either party shall consider themselves agrieved by the judgment of the said court, they shall have the right of appeal to the next term of the circuit court, which shall be granted by the said county courts upon the party praying the appeal, entering into bond and security, approved by said court, to prosecute said appeal with effect. Right of appeal.

Sec. 11. *And be it further enacted*, That whenever said creek shall be rendered navigable for boats drawing twelve inches of water, and so long as said creek shall be kept navigable for boats aforesaid, it shall be lawful for said corporation to demand and receive toll on boats navigating the same between the mouth of said creek and Lyon & McDuffee's mill, at the following rates: Not exceeding one dollar and fifty cents for each ton of freight which said boat carries. Toll.

Sec. 12. *And be it further enacted*, That if any person shall obstruct the navigation by felling trees in said creek or otherwise, he, she or they so offending, shall forfeit and pay to the said corporation, double the amount of damages which may be assessed by a jury in any court of record having jurisdiction thereof: *Provided*, that said charter shall expire at the end of twenty-five years from the date of the passage thereof. Penalty for obstructing navigation.

Approved, December 21, 1832.

[No. 24]

AN ACT

To authorise David Merideth to turnpike a certain road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That David Merideth, of Shelby county, is hereby authorised to complete and turnpike a road from Mc Murray's old sawmill, on the Shade's creek, in Jefferson county, including both banks of said creek, to Charles Mundine's old place, in Shelby county. From what point to what.

Sec. 2. *And be it further enacted*, That David Merideth be, and he is hereby authorised to alter or change the said road so as to obtain a more eligible route from the above named old sawmill, to Charles Mundine's old place, if it should be deemed necessary. Authorised to alter, &c.

Sec. 3. *And be it further enacted*, That said road shall be opened thirty feet wide, and cleared of all obstructions twelve feet of said width, stumps and grubs being taken up by the roots or leveled with the ground, as nearly as can be; and all sloping Quality of road required.

grounds, and the banks of water courses, shall be worked upon so as to insure the most safe and convenient passage for carriages; all swamps, marshes and creeks, where it may be necessary, shall be causewayed or bridged with good and durable timbers, put together in a workmanlike manner, with ditches on each side of all causeways, and all bridges and causeways shall be at least twelve feet wide.

Report to
judge of county
court,

Who shall ap-
point examin-
ers.

Their pay.

When toll
shall be exact-
ed.

Rates of toll.

Judge of county
court to ap-
point commis-
sioners to inspect
from time to
time.

Penalty if
found defect-
ive.

Land passed
over to be
paid for.

Grant to con-
tinue 15 years.

Repeal.

Sec. 4. *And be it further enacted*, That when the said David Merideth shall have completed said road, and reported the same to the judge of the county court of Shelby county, it shall be the duty of the judge of said county, to appoint three suitable persons to examine said road and report its condition to the said judge; for which services the said David Merideth shall pay to the said commissioners, one dollar per day, for the time confined on the discharge of their duty.

Sec. 5. *And be it further enacted*, That should the said commissioners, appointed by the fourth section of this act, report that the said road is in good order, then and in that case, the said David Merideth is hereby authorised to erect a turnpike gate, at or in one mile of Cahawba river, and is hereby authorised to demand and receive the following rate of toll, to wit: For every waggon or four wheeled carriage, fifty cents; for every two wheel carriage, thirty one and one-fourth cents; for every man and horse, twelve and one-half cents; for every loose head or pack horse, six and one fourth cents; for every head of sheep, goats, cattle or hogs, three cents; and if any person shall pass round said gate with the intent to avoid the payment of toll, he she or they shall, for every such offence, forfeit and pay the said David Merideth, treble the amount of his toll, to be recovered with legal costs before any justice of the peace; or if any person shall obstruct or injure said road by falling trees, or in any other manner, he, she or they shall pay to the said David Merideth, the sum of twenty dollars, to be recovered by warrant before any justice of the peace in the county in which the offence may have been committed.

Sec. 6. *And be it further enacted*, That it shall be the duty of the judge of the county court of Shelby county, upon application made to him for that purpose, to appoint three suitable persons as commissioners to examine said road, and report its condition to said judge; and if, in the opinion of said commissioners, the said road shall not be in good and sufficient repair, as contemplated by this act, the said judge shall direct the said turnpike gate to be opened, and no toll shall be received, under the penalty of twenty dollars for each offence, until the said commissioners, and one of them shall certify to the said judge that the said road is in good and sufficient repair.

Sec. 7. *And be it further enacted*, That any damage sustained by any individual by reason of the passage of said road through their lands, the damage shall be paid by the said David Merideth.

Sec. 8. *And be it further enacted*, That this act shall continue in force for fifteen years, from and after the passage thereof.

Sec. 9. *And be it further enacted*, That all laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, December 21, 1832

[No. 25.]

AN ACT

To authorise an Election of a Justice of the Peace and Constable in the town of Centreville, in Bibb county, and to amend an act entitled an act to incorporate the town of Centreville in the county of Bibb, approved, January 21st, 1832.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That there shall be an election held in the town of Centreville in Bibb county, on the first Monday in January next, for a justice of the peace and constable, and that the qualified electors of said town shall be competent to vote in said election.

Election on the 1st Monday of January next.

Sec. 2. *And be it further enacted,* That the justice so elected, shall be vested with the like powers, receive the same fees, and be liable to the same penalties, and continue in office the same length of time, that other justices do in this State; and the constable thus elected, shall be qualified and commissioned as other constables of this State, and shall be entitled to the same privileges and powers, and be subject to the like responsibilities and liabilities, to which other constables are by law subject, and shall continue in office the same length of time and receive the same fees that other constables do in this State.

Persons elected to have the same powers, duties and emoluments as aces.

Sec. 3. *And be it further enacted,* That the said justice of the peace and constable shall reside within the limits of said corporation; and the said justice of the peace shall preside as chairman at all meetings of the trustees for said town, and sign all the laws and ordinances by them passed, and shall have jurisdiction of all the laws and ordinances of said town; and the constable shall have power to execute all process to him directed, for the purpose of carrying the laws and ordinances of said town into execution, at any place within the limits of the county of Bibb.

To reside within the town. Justice to preside, &c.

Sec. 4. *And be it further enacted,* That the election for said justice of the peace and constable, shall be held in said town by one justice of the peace, and two free holders or house holders in such place as said justice of the peace may direct, from twelve o'clock, A. M. until four P. M., on the first Monday in January next, and at the same time every third year thereafter, forever.

Any justice of the peace, &c. to hold the election, when and where.

Sec. 5. *And be it further enacted,* That the time specified by an act to which this is in part an amendment, for the election of trustees for said town, be, and the same is hereby changed to the first Monday in January next, and forever thereafter, in each succeeding year.

Time of electing trustees changed.

Sec. 6. *And be it further enacted,* That the boundaries of said incorporation, be, and the same are hereby extended so as to include all that parcel of land on which the seat of justice is located, south of the road leading from the county ferry towards Montgomery, together with all that parcel of land donated by James B. Clark, to the commissioners of the seat of justice for Bibb county.

Limits of the corporation extended, how.

Sec. 7. *And be it further enacted,* That if any vacancy shall occur in the office of constable or justice of the peace, by death, resignation or otherwise, such vacancy shall be filled as above prescribed.

Vacancy in justice or constable's office how supplied.

Approved. December 21, 1832.

[No. 26.]

AN ACT

To incorporate the Daletown, Woodville and Greensborough Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly con-*

Incorporated
with powers
to sue, &c.

enacted, That Thomas B. Creagh, as president, and Jeremiah Sanders, Frederick Peck, Robert C. Randolph and Joseph B. Stieney of the county of Greene; John Bishop, James Pickens and Benjamin Glover and Joseph Chambers, of the county of Marengo; John Fitts, William J. McKerral, Samuel J. Murff and Alexander McLeod, of Perry county; Henry S. Atwood, Samuel W. Frazure, Berriah McGoffin and John A. Gamble, of the county of Wilcox, as directors, with their associates and successors in office, be, and they are hereby made a body politic and corporate, in deed and in law, by the name and style of the Daletown, Woodville and Greensborough rail road company; in which name, they and their successors in office, are hereby made capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity in this State, or elsewhere, to purchase, receive and hold, sell, convey and confirm real or personal estate, as natural persons; to have and to use a common seal, to alter and change the same at pleasure; to pass such by-laws, rules and regulations for the good government of said corporation, as to them shall seem proper; and generally, to exercise all powers, and to do and perform all acts, matters and things which they may deem necessary to carry into full and complete effect the objects of this act: *Provided*, that the real and personal estate owned by said company, shall not exceed the sum of one million of dollars.

Property of
company limited
to one
million.

Directors to
open books
for stock.

Give notice.

Shares \$100
each.

Stockholders
to elect 13 di-
rectors.

Oath to be taken by president and directors.

Elected annually.

Who may
vote, &c.

Proviso.

Stock trans-
ferable.

Sec. 2. *And be it further enacted*, That the president and directors hereby appointed, shall continue in office until the first Monday in July, 1833; and they shall cause books to be opened at Daletown, at Woodville, and at Greensborough, and at such other places as they may deem proper, for the subscription of stock, and shall give thirty days notice previous to opening said books at the several places, at which books will be opened, and shall also publish the same in one or more newspapers printed in this State; and said books when opened, shall be kept open for the space of ten days, and may be opened from time to time, until a sufficient amount of stock shall be subscribed; which stock so subscribed, shall be divided into shares of one hundred dollars each.

Sec. 3. *And be it further enacted*, That the stockholders shall meet at Woodville, on the first Monday in June, as aforesaid, and proceed to elect thirteen directors, who shall be stockholders in said company, one of whom shall be chosen president, by the board; and they shall take an oath faithfully to perform their duties as such president and directors, and shall continue in office until the first Monday in June next after said election, and until their successors are chosen and qualified; which choice shall be made on the first Monday in June annually, at such place as the board may have appointed, after the first election, or in one month thereafter by the stockholders, who may vote, either in person or by proxy, and shall be entitled to one vote for every share of stock, he, she or they may hold in said company: *Provided*, that no one stockholder shall be entitled to more than one hundred votes; and the stock hereby authorised to be subscribed, shall be transferable, and all transfers of stock shall be entered on the books of said company, and the holder thereof shall be entitled to

all the benefits, and subject to all the liabilities of an original stockholder.

Sec. 4. *And be it further enacted*, That the president and directors of said company, when they shall have organized agreeably to the third section of this act, shall have power to borrow money, contract debts, and be contracted with upon the credit of the stock thereof, and to pledge personal or real estate for the payment of their debts, and to appoint such officers, agents and servants as they may think necessary, and give them such compensation as they may conceive just; they may require such instalments to be paid upon the stock, as they may think best for the interest of said company; and on failure of any stockholder to pay the amount due upon his, her or their stock, in pursuance of any call made by the president and directors as aforesaid, within sixty days after such call, the president and directors shall be authorised to sell said stock: *Provided*, the same can be sold at not less than par value, for the amount so due; and said stock shall be deemed and considered in law as private property.

Powers of the company in certain matters.

Proviso.

Sec. 5. *And be it further enacted*, That said board of directors shall commence said rail road at Daletown, in the county of Wilcox, and extend the same by way of Woodville, in the county of Perry, to Greensborough, in the county of Greene; they shall be authorised to contract for and receive conveyances of any land, stone, timber or gravel, &c., which may be required in the construction of said road, and when the owner and the company cannot agree as to the price, or when the owner is an infant, non-resident, or non *compos mentis*, then it shall be lawful for the president and directors of said company to apply to the judge of the county court of the county where such lands or other property may be situate, whose duty it shall be to issue his warrant, directed to the sheriff of the county; commanding him to summon a jury of seven disinterested freeholders, a majority of whom shall be authorised to assess the damages, under the same rules and regulations as is prescribed by law, in the case of county roads; and the said jury shall forthwith assess the value of said land, stone, timber or gravel, &c. subject to the right of appeal to the circuit court, by either party who shall think themselves aggrieved; and such appeal shall be tried *de novo*, as in other cases; and the same shall be returned to the office of the clerk of the county court of the proper county; and at the next term of the commissioners' court the same shall be affirmed and made final, and the land, stone, timber or gravel so contracted for, or so condemned, shall enure to the said company forever: *Provided*, that at the expiration of fifty years, the State of Alabama shall be authorised to purchase said stock at its par value; and at the expiration of every ten years thereafter, the State shall have the privilege of purchasing the same, upon the payment of said money to the person contracted with, or into court when the property is condemned, and the whole proceedings shall be entered of record in said court, at the cost of said company: *Provided, however*, that said work shall in no wise be delayed on account of the proceedings had as aforesaid; but the said board on tendering the sum, to which the land, stone, gravel or timber shall have been valued, to the owner, or deposite the same in the office of the county court, they

Route of road.

If land, &c. can not be had by contract, then how to proceed to procure it by condemnation

Proviso.

Further proviso.

shall be authorised to proceed with said work, as though no appeal had been taken: and when no greater damages shall be assessed upon the trial of such appeal, than was assessed by the jury in court below, the party taking such appeal shall pay the costs.

Contracts for
making said
road.

Sec. 6. *And be it further enacted*, That said president and directors, after having the tract upon which said rail road is to run, surveyed and selected, may proceed to let the same to contract, in such sections as they deem proper, and upon such conditions as they may prescribe; beginning at Daletown, and running the nearest and best route by Woodville to Greensborough: *Provided*, that they shall give sixty days notice of the time and place of letting the same to contract: *And provided, also*, that they shall commence the said road within three years and complete it within ten years from Daletown to Greensborough, or forfeit their charter hereby given.

Public notice
of to be given.
Road to be be-
gun and fin-
ished in what
time.

Meetings of
stockholders.

Sec. 7. *And be it further enacted*, That said president and directors shall have power to call meetings of the stockholders at any time: A majority of the stockholders, in value, either in person or by proxy, shall be able to form a quorum: They shall have power to remove the president or any of the directors, and appoint others in their stead; and whenever a vacancy shall occur in said board, they shall fill such vacancies until the next annual meeting of the stockholders; and they shall have power to remove at pleasure any officer, agent or servant belonging to said corporation.

Quorum.

Offices held at
pleasure of
stockholders.

Other public
roads not to
be obstructed

Sec. 8. *And be it further enacted*, That in the construction of said rail road, the president and directors shall not in any manner obstruct any of the public roads, which now are or hereafter may be established; but shall provide suitable and convenient ways, by which they may cross said rail road.

Board of di-
rectors to re-
port to stock-
holders annu-
ally.
And declare
dividends an-
nually.

Sec. 9. *And be it further enacted*, That it shall be the duty of the president and directors to report to the annual meeting of the stockholders, and exhibit a clear and distinct statement of all the affairs of said company: Shall report the receipts and disbursements; and after the work shall have been completed, they shall declare and pay over dividends annually to the stockholders.

All property
vested in the
corporation,
unless State
buys.

Sec. 10. *And be it further enacted*, That the said rail road, with all works, improvements and machinery of transportation used on said road, with all the rights, privileges and immunities, properly belonging and appertaining to them as a corporate body, are hereby vested in the said company forever, unless the State should purchase the same as provided for in this act.

Lateral roads
to be made,
when.

Sec. 11. *And be it further enacted*, That the president and directors of said company, shall have power after the completion of said road, to make such lateral roads as to them may seem expedient.

Toll, when to
be levied.

Sec. 12. *And be it further enacted*, That after completing said work or any part thereof, the said president and directors may lay and collect toll from all persons, property, merchandise or other commodities transported thereon: *Provided*, that the toll shall never amount to more than twenty-five per centum per annum, upon the amount invested in said work: *Provided further*, the company incorporated by this act shall not have banking powers.

Never to ex-
ceed certain
per cent.

Proviso.

Approved, December 27, 1832.

[No. 27.]

AN ACT

For the relief of the securities of Abram Nabors, Tax Collector in Shelby County in 1831.

Whereas, Abram Nabors, assessor and tax collector in Shelby county, in 1829, failed to make payment to the State of the taxes collected by him, in consequence of which Henry Gooch and Samuel McClanahan, two of his securities in office, were compelled to pay said taxes, without any allowance for insolvencies and improper assessments; therefore,

Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of eleven dollars forty-two cents, be, and the same is hereby allowed and refunded to said Henry Gooch and Samuel McClanahan, out of any money in the treasury not otherwise appropriated, in full satisfaction of said claim, for insolvencies and improper assessments.

Approved, December 28, 1832.

Money to be refunded on certain accounts.

[No. 28.]

AN ACT

To Incorporate the Bell Factory of the county of Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all and every the persons who shall at the time of the passage of this act be members of the association called the Bell Factory and proprietors of the capital stock thereof, shall be and they are hereby created and declared to be one body politic and corporate, by the name, style and title of the Bell Factory of the county of Madison, and by the same name shall be able to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended in all courts of record or elsewhere, and to make and have a common seal, and the same to break, alter and renew at pleasure, and also to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements and hereditaments, goods and chattels of what nature, kind or quality soever, real, personal or mixed, or choses in action and the same from time to time to sell, grant, demise, alien or dispose of: *Provided*, that the real estate to be held by said corporation, shall not at any time be more than sufficient to enable said corporation to carry on said factory; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the constitution or the laws of the United States or the constitution and laws of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation and the due management and the ordaining of the affairs thereof.

Incorporated with power to sue, &c.

Sec. 2. *And be it further enacted*, That all the joint stock and all other the estate, real, personal and mixed, and all the securities, debts, dues, claims and demands, and all the records, deeds, books, papers, bonds, bills of exchange and other documents whatsoever in any wise belonging to or held and owned by the said association of citizens at the time of passing of this act, shall be transferred to and vested in the said corporation of the Bell Factory hereby erected, as absolutely and completely to all intents and purposes, as the same respectively now belong to or are

Property of former joint owners transferred to the corporation; how.

held and claimed by the said association of citizens or by their officers and agents for their use: and all contracts and other engagements, debts obligations and assumptions whatsoever of the said association of citizens entered into, made, subsisting, due and payable, or to grow due and payable at the time of the passing of this act, shall thenceforth become and be as obligatory and binding upon the said corporation of the Bell Factory of the county of Madison, hereby erected, to all intents and purposes, as if the same respectively had been entered into, made and contracted by the said factory subsequent to the incorporation thereof; and all contracts, grants and obligations whatsoever, wherein or whereby any person or persons now are held or bound to the payment of moneys, or the performance of any act, matter or thing whatever to the said association of citizens, shall be, and are hereby declared to be due and payable to and vested in said corporation, and it shall be lawful for the said corporation and for the parties who have as aforesaid contracted with the said association of citizens, respectively to maintain actions and otherwise enforce the due performance of all such contracts, as fully as if the same had been made originally with the said corporation: *Provided always, nevertheless*, that nothing herein contained, shall in any wise be construed to impair or effect the obligation of any contract at any time heretofore entered into, by or with the said association of citizens, or prevent suit being commenced thereon, prosecuted and defended in the same manner, and the same firm, and under the same rights, rules, privileges and regulations that might or would have been or would have governed the same, if this act had never passed.

Capital stock
to be divided
into shares,

Sec. 3. *And be it further enacted*, That the capital stock of the Bell Factory of the county of Madison, shall not exceed one hundred thousand dollars; that the same shall be divided into one thousand shares of one hundred dollars each, and that the capital stock of the Factory by this act incorporated, shall be held by the proprietors thereof, at the passing of this act, and be transferable by them and their assigns respectively, on the terms and in the manner herein after specified; that is to say, the stock of the said Factory shall be assignable and transferable according to such rules as a majority of the stockholders of the said Factory or the president and directors thereof shall make and establish, and no stockholder indebted to the Factory, shall be permitted to make a transfer or receive a dividend until such debt be paid or secured to be paid to the satisfaction of the majority of the stockholders of said Factory, or to the satisfaction of the president and directors.

Which may
be transferred
under what
restrictions.

Securities ac-
counts, &c. to
be taken and
kept in corpo-
rate name.

Sec. 4. *And be it further enacted*. That the securities and all other evidences of debt or duty, owing and belonging to said Factory, shall be taken in the name of the Bell Factory of the county of Madison, and all deposits for the safe keeping of the moneys and securities of the said Factory shall be made in such manner that the same shall always appear to be the property of the Factory, and be subject only to the drafts or orders of its proper officer or officers as such.

Affairs of,
managed, how

Sec. 5. *And be it further enacted*, That the affairs of the Factory shall be managed by a majority of the stockholders until

otherwise ordered by the stockholders at the meeting inf

ral or special

Sec. 6. *And be it further enacted*, That a majority of the stockholders, besides the powers herein given, by themselves or their lawful agent, shall and may appoint such officers, clerks and servants as they shall deem necessary for transacting the business of the Factory, allowing a reasonable compensation for the services of such officers, clerks and servants respectively: and the majority of the stockholders shall lay before each and every general meeting of the stockholders, a full and true statement of the affairs of said Factory.

Clerks, agents appointed, how.

Their duties.

Sec. 7. *And be it further enacted*, That whenever the stockholders shall think it advisable for the better government of the affairs of the Factory, to appoint a board of directors. They shall have full power to create a board of directors, whose number shall not exceed twelve or fall short of five.

Stockholders may appoint directors.

Sec. 8. *And be it further enacted*, That the directors so created shall be citizens of the State of Alabama resident therein, and each director at the time of his election and during his continuance such, shall be a stockholder in his own right, and the directors aforesaid shall from their number select a president at their first meeting, continue in office such time and have such powers as the stockholders in their general meeting shall ordain.

Regulating such board of directors.

Sec. 9. *And be it further enacted*, That there shall be a general meeting of the stockholders at the office of the Factory or some more convenient place, on the third Monday of January in each and every year, and five of the stockholders may at any other time call a general meeting of the stockholders upon business interesting to the company, giving two weeks notice. The stockholders shall decide upon all questions coming before any general meeting, by a plurality of votes. Each stockholder shall be entitled to as many votes as he holds shares: *Provided*, that no stockholder shall be entitled to more than twenty votes. They shall have full power to vote by proxy, to make and ordain all necessary and lawful rules and regulations for governing and well ordering the affairs of the Factory, shall and may require from the individual stockholders, or any other officer of the Factory, any information they shall deem useful and proper, together with the inspection of any book, paper and documents belonging to the Factory, which requisitions shall be promptly complied with.

Stockholders to meet annually.

Plurality of votes to prevail.

As many votes as shares.

Provided, Powers of company.

Sec. 10. *And be it further enacted*, That the said corporation shall be confined to the manufacture of cotton or woollen yarns, and cotton and woollen fabrics; that this act of incorporation shall be in force for the term of thirty years, and so much longer as may be necessary to enable the company hereby incorporated, to sell and dispose of all their property and estate, both real and personal, and wind up and settle all the business of said company, and shall not be so construed as to confer banking powers and privileges.

Corporation limited, how.

Approved, December, 29, 1832.

AN ACT

[No. 29.]
For the relief of certain purchasers of lots, in the town of Marion, Perry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court of Perry county,

Titles to lots sold to be made, how.

be, and he is hereby empowered to order and authorise John Barron, administrator of William Baron, deceased, to make title to all such persons as may have purchased lots of the said William Baron, deceased, lying and situate in the town of Marion, in the county of Perry, who have no bonds for title from the said William, and to whom the said William gave no title in his lifetime: *Provided*, that it shall be satisfactorily proved by the testimony of one or more credible witnesses, that such purchase was made, and that full payment was made to the said William in his lifetime, or shall be made to the administrator: *And provided, further*, that every such purchaser desiring to have a title made under this act, shall file in said court a petition in writing, and make affidavit to the truth thereof, setting out the contract of purchase, and the sum paid or to be paid: *Provided further*, that where full payment has not been made, such payment shall be made to the administrator previous to his making titles.

Proviso.

Further proviso.

Further proviso.

Approved, December 31, 1832.

1833

[No. 30.]

AN ACT

To authorise the Tax Collector of Monroe and Pike counties to receive Jury Certificates in payment of County Taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of February next, it shall be the duty of the tax collector now, or those hereafter to be elected for Monroe and Pike counties, to receive the certificates of jurors in payment or discharge of all county taxes due by the person or persons, to whom said certificates are given, at their full value; any law, usage or custom to the contrary notwithstanding.

Approved, January 1, 1833.

[No. 31.]

AN ACT

For extending the time granted to John Fowler, for running a Steam Ferry Boat between the City of Mobile and the Town of Blakeley.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act granting John Fowler the right of running a steam ferry boat, a row boat or sail boat, passed December 26, 1832; and an act supplemental thereto, approved, January 15, 1828, be, and the same is hereby continued in force, for the space and during the term of five years, from and after the first of January, 1833; any law to the contrary notwithstanding.

Approved, January 1, 1833.

[No. 32.]

AN ACT

Authorising Julien S. Devereux, Administrator of the estates of Mary and Milton Bradley, deceased, to transfer the papers and proceedings belonging to said estates, from the County of Covington to the County of Conecuh.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Julien S. Devereux, administrator of the estates of Mary and Milton Bradley, deceased, be, and he is hereby authorised to transfer all the papers and proceedings in relation to the estates aforesaid, from the county of Covington to the county of Conecuh; and that the same be duly recorded in the clerk's office of the county court of Conecuh county; *Provided*, that all the expenses attending and incurred by such change, shall be paid by the said administrator out of his own private funds; and he

shall have no allowance whatever, made therefor, in the settlement of his accounts as administrator, or otherwise howsoever out of said estates.

Approved, January 1, 1833.

[No. 33.]

AN ACT

To authorise the Judge of the County Court, and Commissioners of Revenue and Roads of Wilcox County, to levy an Extra Tax for the purpose of Building a Jail in said County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court, and commissioners of roads and revenue of the county of Wilcox, be, and they are hereby authorised to levy, and cause to be collected a special tax for the purpose of building a jail in said county: *Provided,* the same shall not exceed fifty per centum on the State tax.

Approved, January 1, 1833.

[No. 34.]

AN ACT

For the relief of Ludwell W. Taylor, and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Ludwell W. Taylor be allowed to keep up a gate on the west side of the Tallapoosa river, across the road leading from Line creek to the falls of the Coosa. L. W. Taylor
authorised to
keep a gate.

Sec. 2. *And be it further enacted,* That Thomas W. Cowles and Thomas Mitchel, be also allowed the privilege of keeping a gate on the east side of the Tallapoosa, on the road leading from Mount Meigs to Buck's bridge: *Provided,* that said gates be not so fastened or locked, so as to prevent passengers from going through the same at any time. Cowles and
Mitchel.
Proviso.

Sec. 3. *And be it further enacted,* That Howell Rose, be, and he is hereby authorised to keep a gate on the west side of Coosa river, on the road leading from the falls of Coosa to the town of Kingston, in the county of Autauga. H. Rose.

Approved, January 1, 1833.

[No. 35.]

AN ACT

To amend an Act relative to the Cahawba Guards.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act approved, December 28, 1831, to incorporate the Cahawba guards, and for other purposes, as exempts persons from serving when summoned as tales jurors, be, and the same is hereby repealed. Members may
serve as tales
jurors.

Approved, January 1, 1833.

[No. 36.]

AN ACT

To authorise the Election of a Justice of the Peace, and other Officers in the County of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an additional election precinct for the county of Pickens, be, and the same is hereby established at the house of G. B. Mobley, in that portion of the territory purchased from the Choctaw tribe of Indians, and west of the Tombéckbee river, which has recently been added to the county of Pickens. Precinct in
Pickens.

Sec. 2. *And be it further enacted,* That the qualified electors of the said territory, so added to the said county of Pickens, shall proceed on the first Monday in April next, to elect a justice of the peace and two constables for the same, who shall discharge Election of
justice of the
peace and
constables.

all the duties and be subject to all the liabilities of other justices of the peace and constables of this State; and who shall continue in office until the next general election of such officers.

Where and
when held.

Sec. 3. *And be it further enacted*, That said election shall be held by the sheriff of Pickens county, at the house of G. B. Mobley, west of the Tombcbee; he giving ten days notice of the time and place of holding said election, at two or more public places in the county of Pickens, west of the Tombcbee river.

Approved, January 2, 1833.

[No. 37.]

AN ACT

Making an appropriation for the payment of the Officers and Members of the General Assembly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of thirty thousand dollars, be, and the same is hereby appropriated for the payment of the officers and members of the general assembly of the State of Alabama, to be paid out of any moneys in the treasury not otherwise appropriated.

Approved, January 2, 1833.

[No. 38.]

AN ACT

To Incorporate a Company to build a Toll Bridge across the Black Warrior river, opposite the town of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a stock company shall be established in the town of Tuscaloosa, for the purpose of building a toll bridge across the Black Warrior river, opposite said town, the capital stock of which shall not exceed thirty thousand dollars, divided into shares of one hundred dollars each.

Capital stock
not to exceed
\$30,000.

Shares \$100.

Subscription
opened, when.

Who to con-
duct it.

Payments
how regula-
ted.

Style of cor-
poration.

Its powers.

Stockholders
to elect direc-
tors.

Sec. 2. *And be it further enacted*, That subscriptions towards constituting said stock company, shall be opened in the town of Tuscaloosa on the first Monday in March next, under the superintendence of James H. Dearing, B. B. Fontaine, Otis Dyer, S. B. Ewing and Edward Sims, or a majority of them, and remain open at least two days at each time of opening said books, or until a sum sufficient in their opinion, shall be subscribed to build said bridge; ten dollars on each share to be paid at the time of subscribing, and the residue in instalments of five or ten dollars as the work progresses, by a call of the president and directors.

Sec. 3. *And be it further enacted*, That the subscribers to the said stock company, their successors and assigns, shall be and are hereby created a body politic and corporate, by the name and style of "The President and Directors of the Tuscaloosa Bridge Company;" and by that name shall be, and are hereby made able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in any suit, action, matter or thing, depending in any court of law or equity; and also to make and use a common seal, and the same to break, alter or renew at pleasure; and also to make, ordain, establish and put in execution, such by-laws, ordinances and regulations as they may deem necessary for the government of said company.

Sec. 4. *And be it further enacted*, That for the management of said company, the stockholders shall annually, on the first Monday in January, in each and every year, elect seven directors

by the qualified stockholders of said company, and by a plurality of votes then and there actually given, one vote for every share of one hundred dollars; and the directors so duly elected, shall be capable of serving by virtue of said choice, until the next annual election; and the board of directors annually, at their first meeting after their election, shall proceed to elect one of the directors to be the president of the said corporation, who shall hold his office one year or until his successor shall be elected: *Provided*, that all vacancies by resignation or otherwise, the board shall have power to fill said vacancy from any stockholder.

Regulations
respecting
the election.

Proviso.

Sec. 5. *And be it further enacted*, That as soon as a sufficient sum is subscribed, notice thereof shall be given in one or more newspapers, printed in the town of Tuscaloosa; and they shall at the same time notify a time and place for holding the first election, and shall hold it be same by giving at least ten days notice thereof.

Notice of election.

Sec. 6. *And be it further enacted*, That it shall be lawful for the directors to call a general meeting of the stockholders at any time they may deem necessary and expedient; and a number of the stockholders owning at least one third of the stock, shall have power at any time to call a general meeting, giving at least one month's notice in a newspaper, stating the object of said meeting.

Called meetings of stockholders.

Sec. 7. *And be it further enacted*, That the property of the aforesaid bridge, when built, shall be and the same is hereby vested in the said corporation forever; and they shall and may demand and receive on the completion of said bridge, toll, according to the following rates, to wit: for every four wheel pleasure carriage, seventy five cents; for every four wheel wagon, fifty cents; for each two wheel pleasure carriage, thirty seven and a half cents; for each cart, twenty five cents; for man and horse, twelve and a half cents; each loose horse, or each foot passenger, six and a fourth cents; each head of cattle, three cents; each head of sheep or hogs, one cent.

Rates of toll regulatep.

Sec. 8. *And be it further enacted*, That it shall be the duty of said corporation, to keep said bridge in good repair, (when completed,) as long as they may think proper to receive toll; they shall be held bound for all injuries which may be sustained by any person passing said bridge: *Provided*, said injury result from the negligence of the keeper, or want of proper repairs to said bridge.

Bridge to be kept in repair

Liability for injury.

Sec. 9. *And be it further enacted*, That it shall be the duty of the superintendants or a majority of them, named in this act, to select a site for said bridge, and also a site for a road, leading to and from said bridge, and mark out the same; and apply to the court of roads and revenue for a jury to assess the damages, if any shall be claimed, for the lands the road may pass through, whose duty it shall be to appoint said jury; and as soon as the damages shall be paid by said company, to order the road to be opened under the same rules and restrictions as other public highways, and which road shall be of the first grade until it shall intersect other roads.

Site of bridge and road.

How to condemn land.

Sec. 10. *And be it further enacted*. That the county court in and for the county of Tuscaloosa, shall be and they are hereby authorised, whenever it may in the opinion of the judge thereof,

County court to appoint inspectors, &c.

be deemed necessary, to appoint suitable commissioners to inspect the situation of the bridge, and if a majority of them shall report that said bridge is not in good order and fit for passengers, the court shall have power to suspend the collection of toll, until said bridge shall be put in good repair.

Approved, January 2, 1833.

[No. 39.]

AN ACT

To Establish and Incorporate the Town of North Tuscaloosa, in the County of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all that tract of land contained in the following boundaries: Commencing on the north bank of the Black Warrior river, at the mouth of the first branch below Marr's ferry; thence in a direct line to John Matthews'; thence in an eastern direction to the head of the first branch; thence down said branch to its mouth; and from thence down the Black Warrior river to the place of beginning, shall hereafter constitute a town, to be known and designated as the town of North Tuscaloosa, and the inhabitants residing within the same are hereby incorporated.

Boundaries of said town.

Commissioners to be elected, when, &c.

Sec. 2. *And be it further enacted,* That an election shall be held on the first Saturday in February next, at the tavern of John Chism, in said town, to commence at ten o'clock, A. M. and close at three o'clock, P. M., and on the same day in each succeeding year, at such place within the said town, as the president and commissioners thereof, for the time being, may by their ordinance designate, for the purpose of electing by ballot, five commissioners, inhabitants of said town, over the age of twenty-one years, for the purpose of carrying into execution the provisions of this act: And the commissioners so elected, on the succeeding Monday, shall meet and choose from among their own body, a president; and the said president and commissioners are hereby constituted a body corporate, by the name and style of the president and commissioners of the town of North-Tuscaloosa, and by that name, they and their successors in office, shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of actions, whether in law or equity; and also of doing all acts that are incident to bodies corporate.

Style of corporation.

Their powers.

Who shall conduct said election.

All subsequent how conducted.

For further powers, see an act, &c.

Powers as to taxation.

Sec. 3. *And be it further enacted,* That the first election under this act, shall be had under the direction of Charles Snow, Abel H. White and James Flemming: And all subsequent elections shall be held by any two of the board of commissioners, or of the president and any one of the commissioners, as for that purpose may be appointed by the board.

Sec. 4. *And be it further enacted,* That in all cases not herein provided for, the said president and commissioners shall possess the same powers, enjoy the same privileges, and be subject to like responsibilities, as are conferred by an act entitled an act to incorporate the town of Tuscaloosa, passed December 13, 1819.

Sec. 5. *And be it further enacted,* That in addition to other powers by the above recited act granted, said president and commissioners shall have power to levy and cause to be collected a poll tax of fifty cents on each free white male inhabitant, between the age of twenty-one and forty-five years, and on each free per-

son of colour, and slave, between sixteen and sixty years of age, a like sum; and also to assess and collect such taxes on the real estate in said town, not exceeding one-fourth per cent. of the value thereof, as they may by ordinance prescribe: *Provided*, that no land within the said town, shall be subject to taxation, under the corporate authority of said town, until the same shall have been laid off into town lots and sold.

Approved, January, 2, 1833.

[No. 40.]

AN ACT

To establish a certain Road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Howard, Jacob Hollingsworth, Brittain N. Pierson, John Gamble and John Patton, be appointed commissioners, or any three of them, to view, mark and lay out a State road of the second grade, commencing at a point on the State road leading from Cahawba to Pensacola, Florida, most convenient to a landing near the Militia Bluff, on the Alabama river, which said State road first mentioned, shall be laid out thence in a south east direction, crossing Big Cedar creek, and running as near as may be, on the middle ground between the creeks called Dry Cedar and Big Cedar, in the direction aforesaid, until it strikes the federal road a few miles north or north east of Fort Dale.

Commissioners appointed to lay out a State road.

Route.

Sec. 2. *And be it further enacted*, That the said commissioners are hereby authorised and required to make a return of the road to the clerk of the several counties, of their part of such road as may run through the said county.

Commissioners to make return to clerks.

Sec. 3. *And be it further enacted*, That the judge and commissioners of roads and revenue of the several counties through which the said road shall run, shall recognize the same, and appoint overseers, and do all other things necessary to open and keep the said road in repair.

Commissioners of roads and revenue to appoint overseers.

Approved, January 2, 1833.

[No. 41.]

AN ACT

Declaratory of the Charter of Incorporation of the Town of Claiborne, in the County of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act incorporating the town of Claiborne, in the county of Monroe, shall not be so construed as to expire or become void by reason of no election for officers of the corporation being had at the regular terms prescribed by the said act, but that such election or elections may take place at any time when a vacancy may occur, either by the expiration of the term of office of said officers of the corporation, or otherwise.

Elections may be held at any time to fill vacancies.

Approved, January 3, 1833.

[No. 42.]

AN ACT

To locate permanently the Seat of Justice of Covington County, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the seat of justice of the county of Covington, be and is hereby declared to be permanently located at the town of Montezuma, in said county.

Montezuma.

Sec. 2. *And be it further enacted*, That the judge of the county court and commissioners of the roads and revenue of said

Taxes to be raised for

county, is hereby authorised to levy an extra tax, not exceeding fifty per cent. on the State tax, for the express purpose of building a court-house in said county, to be located on a certain lot selected for that purpose heretofore, by the judge and commissioners of the county aforesaid.

Approved, January 3, 1833.

[No. 43.]

AN ACT

For the relief of Matthew Fountain Goode.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Matthew Fountain Goode, be, and he is hereby restored to all the rights and privileges of citizenship; any law, usage or custom to the contrary notwithstanding.

Approved, January 5, 1833.

[No. 44.]

AN ACT

Authorizing the citizens of Sommerville to elect a Constable.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That there shall be an election holden in the town of Sommerville, Morgan county, at the court-house of said town, on the first Monday in March next, to elect a constable, who shall be a citizen of said town.

Election
when held.

Powers, &c.
of constable.

To give bond.

Who to hold
election.

Sec. 2. *And be it further enacted,* That the constable so elected, shall be vested with like powers, receive like fees, and continue in office the same length of time that other constables do in this State, and shall give bond and security in the sum of two thousand dollars, to be approved of by the judge of the county court of Morgan county.

Sec. 3. *And be it further enacted,* That the election for said constable, shall be holden by the clerk of the county court of Morgan county, under the same rules and regulations which now govern such elections, when holden by the captain or other officer of the beat; and all elections hereafter to be holden for a constable in said town, shall be held by the clerk of the county court, under the same rules and regulations, that govern captains in the election of constables in their beats.

Approved, January 5, 1833.

[No. 45.]

AN ACT

Supplemental to an Act entitled an Act to authorize James Doran to emancipate certain slaves therein named, approved, January 18, 1832.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Doran, of Jackson county, be authorized to emancipate and set free slaves of the following names, in addition to those mentioned in the aforesaid act, to wit: Jim and Esther, upon the conditions mentioned in the act to which this is a supplement.

Jim and Es-
ther emanci-
pated.

Approved, January 5, 1833.

[No. 46.]

AN ACT

For the relief of John Jackson, Tax Collector of Marengo County, for the year 1832.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Jackson, tax collector of Marengo county, be, and he is hereby allowed until the first Monday in March next, to complete the collection of the taxes in said county, and to pay the same into the treasury of the State, upon condition that

the said John Jackson file in the office of the comptroller of public accounts, on or before the fifteenth day of February next, a complete copy of the assessment of the taxes of Marengo county, for the year 1832, duly certified by the clerk of the county court of said county; and also upon condition that the securities of the said John Jackson, shall consent to the provisions of this act, and shall file their consent in writing in the office of the Secretary of State, on or before the first day of February next, otherwise the forfeitures heretofore incurred shall be and remain in full force.

Approved, January 5, 1833.

[No. 47.]

AN ACT

To amend the Charter of the City of Mobile.

1832

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the assessors of taxes for the city of Mobile, shall be allowed thirty days from the time they shall commence their said assessment, to complete and make return of the same, together with a perfect copy thereof, to the office of the mayor of the said city.

Assessors of taxes.
What time allowed to make return.

Sec. 2. *And be it further enacted,* That whenever the tax collector for the said city shall make return to the said mayor's office, that the taxes assessed upon any real estate within the limits of said city have not been paid, that then and in such case it shall be lawful for the mayor and aldermen of said city, to advertise for the space of thirty days, in some newspaper printed in the city of Mobile, that the said taxes are due and unpaid; and if the same shall not be paid at the expiration of the said thirty days, then to advertise as aforesaid for the space of fifteen days, that the said property or so much thereof as may be necessary to satisfy and pay the taxes assessed thereon and the expenses incurred, will be leased at public auction, to the best bidder, for such time as may be necessary to pay and satisfy said taxes and expenses, and at the expiration of the said fifteen days, the same to lease as aforesaid: *Provided always,* that the owner of said property to whom the same has been assessed, shall have the privilege of redeeming the same at any time within twelve calendar months thereafter, upon paying the person or persons to whom the same had been leased, the amount of taxes assessed on the same, the expenses and interest, together with fifty per centum advance, on the amount of said taxes.

Proceedings upon default of payment of taxes.

Proviso.

Sec. 3. *And be it further enacted,* That the mayor and aldermen of the said city, shall have power and authority concurrent with the county court and overseers of the poor of this State, to provide for the indigent, lame, blind and others not able to maintain themselves within said city; and also to bind out as apprentices, such orphans and poor children, within the limits of said city, as in the opinion of the said mayor and aldermen may require it, in the same manner and under the same regulations as the county court and overseers of the poor now do, and require from the masters of such persons that they engage in a covenant entered into with said mayor and aldermen, that they will provide for such apprentices, such food, clothing, instruction and education, as the said mayor and aldermen may require, the same to be specified in such covenant.

Mayor and aldermen to have concurrent power with county court in reference to the poor, &c.

Mayor and al-
dermen's
duty when
side walks are
ordered.

Sec. 4. *And be it further enacted*, That whenever by any of the by-laws, resolutions or ordinances of said city, it may be required of any person or persons to construct and lay down side walks within the limits of said city, it shall be lawful for the said mayor and aldermen, after giving twenty days previous notice, in one of the newspapers printed in said city, that the same are required to be constructed and laid down, to advertise and lease the property immediately in the rear of the said walk: *Provided always*, that the owner of said property shall have the right of redeeming the same, in the manner provided in the second section of this act, in cases where property has been leased for taxes.

To make an
annual state-
ment of re-
ceipts and dis-
bursements.

Sec. 5. *And be it further enacted*, That the mayor and aldermen of the city of Mobile, shall on the fourth Monday of March, in each and every year, make out a true and correct statement of the receipts of any and all moneys into the treasury of the corporation, together with an exact and methodical account of the disbursements and appropriations made of the same, during the preceding year; which statement shall by them be published in some one of the newspapers printed in the city of Mobile; and the financial year of the said board of mayor and aldermen shall commence on the said 4th Monday in March, instead of the first Monday in November, as heretofore.

Approved, December 21, 1832.

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AN ACT

[No. 48.]

To Incorporate the Summerville Female Academy.

Academy es-
tablished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a female seminary, be, and the same is hereby established in the town of Summerville, county of Morgan.

Incorporation

Sec. 2. *And be it further enacted*, That Bolling Collier, Joseph Wallace, William W. Wehoy, Matthew C. Houston, John McKensie, John Crockett, Lewis Reno, James H. Gillaspie, Elbert H. Thompson, and all others who now are or hereafter may be subscribers and stockholders in the said seminary, their successors and assigns, shall be, and they are hereby created a body politic, by the name and style of the President and Trustees of the Summerville Female Seminary.

Style.

Sec. 3. *And be it further enacted*, That the said corporation shall have perpetual succession of officers and members, and shall have power and authority to make a common seal, and alter and renew the same at pleasure.

Powers, &c.

Sec. 4. *And be it further enacted*, That the said corporation, by the name and style aforesaid, shall be able and capable in law to have, purchase and receive, possess and enjoy any estate, real or personal, to any amount not exceeding in the whole, twenty thousand dollars, and the same to sell, grant, demise, alien and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any action or suit, matter or thing in any court of law or equity; and also to make, ordain and put in execution such by-laws, ordinances and regulations, as the president and trustees, hereafter mentioned, and their successors in office, shall deem necessary for the government of said corporation, not being contrary to the constitution thereof, of this State or the United States; nor authorising or allowing any reli-

gious tenets to the exclusion of others to be taught in said seminary, and at any time to alter and amend and change the same at pleasure.

Sec. 5. *And be it further enacted*, That Bolling Collier, be, and he is hereby appointed president, and James H. Gillaspie, Elbert H. Thompson, John Crockett, Matthew C. Houston, John McKensie, Charles W. Peters and Jonathan Lane, shall be, and they are hereby appointed trustees of said seminary, until the first Monday in May, 1833. President and trustees.

Sec. 6. *And be it further enacted*, That there shall be ten trustees, annually elected at such place, as shall be directed by the by-laws of the said corporation, on the first Monday in May in each and every year, by the stockholders of the said corporation; each stockholder in the choice of said trustees having one vote for each share of ten dollars by him subscribed, and by a majority of votes, then and there given representing not less than one-half of the whole stock: *Provided*, that if there be a failure to make or hold any such election, the president and trustees herein named, or the trustees elected at the last preceding election, shall be the trustees until successors may be elected, at some succeeding annual election: *And provided, also*, that the said trustees, when elected as herein provided, shall elect one of said trustees, to preside as president of the said board during the time their office may continue; and that any vacancy which may occur in the board of trustees from any cause, shall be filled by a majority of the trustees for the time being. Trustees to be elected annually.
Votes.
Proviso.
President elected. Vacancy.
Approved, December 21, 1832.

[No. 49.]

AN ACT

To establish the permanent Seat of Justice in the county of Henry, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Joel Vickers, John Lowell, Benjamin Kirkland, Joel Dease and John Chambers, be and they are hereby appointed commissioners for the county of Henry, who or a majority of them shall have power to select one site in addition to Columbia, the present court house. Commissioners appointed.

Sec. 2. *And be it further enacted*, That it shall be the duty of said commissioners, to report to the sheriff, the site which they shall have selected as aforesaid, by the first Monday in June next, particularly describing the same, and it shall be the duty of the sheriff, immediately on the receipt of such report, to post up a written notice at the different election precincts in the county, describing the site as it shall be reported to him by the said commissioners above named. To report to sheriff the site selected.
Sheriff's duty

Sec. 3. *And be it further enacted*, That it shall be the duty of the sheriff of said county, to hold or cause to be held, an election at the different election precincts in said county, on the first Monday in August next, which shall be held and conducted by the same managers and officers, and in the same way, with the exceptions made in this act, that elections of members of the general assembly are; and the said sheriff shall give the same previous notice of the election that he is required to give of the general election by law; and the site that shall be selected by said commissioners, shall be put in nomination and voted for as follows, viz: those wishing to vote for Columbia shall write upon their tickets "Columbia;" Sheriff to hold an election for site.

- those voting for the site selected under this act, shall write upon their tickets the words "new site;" and it shall be the duty of the officers and managers, to provide and keep at each precinct, a separate box, in which shall be placed the votes given upon the subject of the site of the court house, and they shall also cause to be kept a separate list of the votes upon the same subject; and it shall be the duty of the managers after the close of the election, to count the votes at their respective precincts, and make return to the sheriff of the county, the whole number of votes received for each place nominated in this act, which return shall be duly certified and sealed up, and delivered to the sheriff within the time prescribed by law for making the returns of the election of members of the general assembly; and the said managers shall in addition to the oaths now required by law, take an oath faithfully and impartially to hold and return the election specified in this act: *Provided*, that no vote shall be thrown out for wanting the precise words specified in this act, if there be sufficient upon the ticket to shew the place intended to be voted for; but all such votes shall be counted, and it shall be the duty of the sheriff after receiving the returns from the different precincts in the county, to compare and ascertain the number of votes received for each place nominated under this act; and the place receiving the highest number of votes, he shall declare to be the permanent seat of justice for said county of Henry: *Provided*, that should the new site be elected, and declared the permanent seat of justice as aforesaid, all courts for said county shall be held at the town of Columbia until the said commissioners shall provide some house in which the court can be held at the said new site.
- Mode of voting.**
- Managers' duty.**
- Oath.**
- Courts where to be held.**
- Who to vote.** Sec. 4. *And be it further enacted*, That all free white persons over the age of twenty one years, who shall have been resident citizens of said county, three months preceeding said election, shall be deemed qualified voters in the election of the seat of justice aforesaid.
- Commissioners authorised to purchase a tract of land or receive donations.**
- Proviso.** Sec. 5. *And be it further enacted*, That the commissioners appointed in this act, shall be authorised to purchase from any person or from the United States, any tract or tracts of land, not exceeding one half quarter section, or to receive by donation from any person or persons, a tract of land for the purpose of erecting thereon the public buildings of said county: *Provided*, the new site be elected and declared the permanent seat of justice as aforesaid, and the said commissioners shall have power to draw such sums of money out of the county treasury of said county as shall be necessary to carry into effect the provisions of this act; and it shall be the duty of the county treasurer to pay over the same out of any money in the treasury.
- Repeal.** Sec. 6. *And be it further enacted*, That so much of the laws now in force as authorises the commissioners of the present court house site, to make contracts for the erection of public buildings upon said site, be and the same is hereby repealed.

Approved, December 21, 1832.

[No. 50.]

AN ACT

To alter and define the boundaries of the county of Baldwin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

convened, That the boundaries of the county of Baldwin, shall in future be comprised within the following limits, to wit: Beginning at that point on the Alabama river where it unites with Little river; thence up Little river to the point where said river is intersected by the range line between ranges five and six, east of the basis meridian line of the land district east of Pearl river; thence north along said line to the northeast corner of township three, in range six; thence east along the township line between townships three and four, in range seven; thence south along the range line between the ranges seven and eight, to the thirty first degree of north latitude; thence along said line to where the same intersects the Perdido river; thence down said river to the mouth thereof; thence along the coast of the Gulf of Mexico to the channel or pass between Mobile point and Dauphin Island; thence through said pass and the middle of Mobile bay to the mouth of Spanish river; thence up Spanish river to its junction with the Mobile river; thence up the eastern channel of Mobile river to the mouth of Lizzard creek; thence through Lizzard creek to Middle river, so called; thence up the main channel of said Middle river to its junction with the Tensaw river; thence up the Tensaw river to its junction with Mobile river; thence up Mobile river to the junction of the Tombeckbee and Alabama rivers; thence up Tombeckbee river to the mouth of the Cut Off, so called; thence through the Cut Off to the Alabama river; thence up the Alabama river to the mouth of Little river, the place of beginning.

Boundary of
Baldwin.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, December 21, 1832,

[No. 51.]

AN ACT

To Incorporate the Merchants' Insurance Company of Huntsville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an insurance company shall be established in Huntsville, with a capital of two hundred thousand dollars, divided into two thousand shares, of an hundred dollars each share, to be subscribed and paid for by individuals, companies and corporations, in the manner hereinafter specified.

Insurance co.
to be estab-
lished.
Capital.

Sec. 2. *And be it further enacted*, That subscriptions for the said two thousand shares, shall be opened at Huntsville at any time prior to the first day of next August under the superintendence of Messrs. Benjamin Pattison, Preston Yeatman, B. M. Lowe, James J. Donegan and George Fearn, who are hereby appointed commissioners, and shall continue open until the whole of the said number of shares shall have been subscribed: *Provided*, that within the first ten days of the opening of the subscription books, no one shall have a right to subscribe for more than fifty shares in his own name, and in case the amount subscribed for, should be more than two hundred thousand dollars, then the commissioners aforesaid shall deduct the amount of such excess from the largest subscription in such a manner as that no subscription shall be reduced in amount, while any remains larger, and in case of such deduction, the said commissioners shall cause lists

Subscriptions
to be opened.

		to be made out of such apportioned subscriptions, to enable every subscriber to know the number of shares allowed him.
Shares, how paid.		Sec. 3. <i>And be it further enacted</i> , That the subscribers to the said company shall pay at the time of subscribing, five dollars in cash on each share, and give their notes endorsed to the satisfaction of the commissioners, for five dollars on each share, payable on the first day of June, 1833; and the remaining ninety shall be paid at such time and in such manner, as the president and directors of said company, hereinafter mentioned, shall direct: <i>Provided</i> , that the payments thereof shall be made by instalments at such periods as shall be agreed upon by the president and directors; and any such subscriber or stockholder who shall neglect to pay any instalment as ordered, or may be ordered by the board of directors, shall forfeit to the corporation all previous payments, and cease to be a stockholder in said corporation.
Penalty for failing to pay.		
Name and style.		Sec. 4. <i>And be it further enacted</i> , That the subscribers to the said insurance company, their successors and assigns, shall be, and are hereby created a corporation and body politic, by the name of the Merchants' Insurance Company of Huntsville, and so shall continue until the thirty-first day of December, in the year of our Lord, eighteen hundred and fifty, and by that name shall be and are hereby made capable, to buy, receive, and possess moveable and immoveable property, and to sell, alien, demise and dispose of the same, and to sue and be sued, plead and be impleaded, answer and be answered, and to have a common seal, and the same to alter and renew at pleasure
Directors to be elected.		Sec. 5. <i>And be it further enacted</i> , That for the management of the affairs of said corporation there shall be twelve directors, who shall be annually elected at the office of said company, by the stockholders thereof, and as soon as one thousand shares shall be subscribed for, the commissioners shall give public notice thereof, in at least two of the public newspapers printed in Huntsville, and by said notice they shall appoint the day and place for the stockholders to meet, and elect fifteen directors; the directors so elected, shall constitute the board of directors, and shall elect one of themselves to be the president of said company; and the said president and directors shall be capable of serving by virtue of such election, until the second Monday in January ensuing, and until other directors shall be elected.
Amount of 1000 shares subscribed.		
President elected.		
Annual election held.		Sec. 6. <i>And be it further enacted</i> , That the annual election for directors, shall, after the first election, be held at the office of the said company, on the second Monday of January, in each and every year, and the directors then elected shall be capable of serving by virtue of such election, until the second Monday in January in the ensuing year, and until other directors shall be elected; and the board of directors shall annually at their first meeting elect one of their members to be president of said corporation, who shall hold the office for the same period for which the directors are elected: <i>Provided, always</i> , that in case it should at any time happen, that an election of directors, or of president, should not be made so as not to take effect, in any day when in pursuance of this act it ought to take effect, the said corporation shall not for that reason be deemed to be dissolved, but it shall be lawful at any time to make such elec-
Vacancies.		

tion, and the manner of holding the election shall be regulated by the by-laws of the corporation: *And provided, also*, that in case of a vacancy arising from death, resignation, non-residence, or any other cause, of a director, the vacancy shall be supplied by the board of directors.

Sec. 7. *And be it further enacted*, That the directors, for the time being, shall have the power to appoint such officers, clerks and servants under them, as shall be necessary for executing the business of said corporation, and to allow them such compensation for their services as shall be reasonable; and to ordain and establish such rules, by-laws and regulations as they shall deem necessary and convenient for the government of said corporation, not being contrary to this act, and the by-laws of this company, nor to the constitution and laws of the United States, or this State.

Directors to appoint officers, &c.

Make by-laws

Sec. 8. *And be it further enacted*. That the said insurance company shall have full power and authority to make such insurance upon steam boats and other vessels, and upon freights, goods, wares and merchandise, and gold or silver bullion or money, against all maritime risk or risks of the river, or such as are usually insured, and upon houses, stores and other buildings, and goods, wares and merchandise, furniture and other articles, against fire, and to fix premium.

Insure vessels, buildings, &c.

Sec. 9. *And be it further enacted*, That the president with four directors, or five directors in the absence of the president, shall have full power and authority in the name of said corporation, to insure upon all the articles, goods and effects, wares and merchandise, produce, property and against all such articles as are mentioned and enumerated in the preceding section; and the said president, with the consent of two directors, shall have a right to receive for the amount of premiums, such notes, endorsed and payable at such time as he may deem satisfactory, and in conformity with the regulations to be made on the subject.

President with four directors may insure.

Sec. 10. *And be it further enacted*, That the following rules, restrictions, limitations and provisions, shall form the fundamental articles of the constitution of said corporation:

Rules and regulations.

ARTICLE 1. That a list, containing the names of stockholders, and showing the number of shares held by them respectively, shall always be kept in the office of the company for the inspection of any person that may wish to examine it.

List of names and number of shares to be kept.

ART. 2. Each and every stockholder shall be entitled to one vote for each and every share which he, she or they may respectively hold; that no individual or company shall be allowed more votes than twenty. In all elections for directors, votes may be given either in person or by proxy; and no person shall after the first election, vote on any share transferred to him within ninety days before said election.

Votes of stock holders.

ART. 3. No person shall be capable of being elected a director of said insurance company, who is not a citizen of the United States, residing in Huntsville, or the county of Madison, and does not hold in his own name, or the commercial house of which he may be a partner, at least five shares of the stock of said company.

Who eligible.

ART. 4. All policies of insurance made by said company, shall

Policies to be signed and countersigned be signed by the president, or two directors, and countersigned by the secretary, and shall have the same effect, as if made under the seal of the company.

Notice of further payments. ART. 5. Notice of the time when any further payments will be required from the stockholders, shall be given by order of the directors of said company; which notice shall be published at least sixty days in two of the papers published in Huntsville.

Stockholders paying and subscribed, entitled to interest. ART. 6. Every stockholder may, at any time, pay in cash, to the said president and directors, the full amount of his subscription; and the person so paying, shall be entitled to receive from the said company, interest upon the amount so paid in cash above the amount required by the directors as aforesaid, at the rate of six per cent. per annum.

Dividends. ART. 7. Half yearly dividends shall be made of so much of the profits of said company as shall appear to the directors advisable. But the moneys received and the notes taken for premium or risks, which risks shall not be considered as forming part of the profits of said company, and in case of any loss or losses, whereby the capital stock of said company should be lessened, no subsequent dividend shall be made, until such diminution shall have been covered by the profits.

Stockholders not liable beyond amount of shares. ART. 8. The stockholders shall not be liable for losses, beyond the amount of their respective shares.

Not to deal in merchandise. ART. 9. The said company shall not deal or trade directly or indirectly in buying or selling goods, wares or merchandise. But the said company may dispose of mortgages given them by way of security, or of stock pledged for security, or property conveyed to them in satisfaction of debts previously contracted, or purchased at public sale upon judgments or orders of seizure, by them obtained, or of any property immoveable or moveable, which may have been abandoned to them, for or concerning the operations of their business or immoveable property for the accommodation of the company in the transaction of their business, and whenever it shall be proved to the satisfaction of a competent court in this State, that the said company have entered into any kind of trade or traffic, contrary to the true intent and meaning of the present article, the said corporation shall no longer be entitled to the benefit of their charter.

Penalty. ART. 10. The company shall be authorised to invest their money, capital, and all surplus funds not divided, in the stock of any company incorporated in the State, or in any other securities that the president and directors shall think proper, whenever they may deem it necessary for the interest of the institution: *Provided*, that nothing herein contained shall be so construed as to authorise the company to discount negotiable paper, or do any other banking operation.

Company may invest their money. ART. 11. The company shall be authorised to invest their money, capital, and all surplus funds not divided, in the stock of any company incorporated in the State, or in any other securities that the president and directors shall think proper, whenever they may deem it necessary for the interest of the institution: *Provided*, that nothing herein contained shall be so construed as to authorise the company to discount negotiable paper, or do any other banking operation.

To make a statement of the affairs of the corporation. ART. 12. Once in every three years the directors shall lay before the stockholders, at a general meeting, for their information, a statement of the affairs of the corporation.

Reserved fund. ART. 13. Five per centum of the semi-annual profits, shall be reserved as a fund to meet extraordinary losses, until said fund amount to thirty thousand dollars.

When to effect insurance Sec. 11. *And be it further enacted*, That the said insurance company shall not proceed to effect any insurance until the whole

amount of stock is paid in money, or such amount thereof as is not paid in money, (which shall in no event be less than ten dollars on each hundred dollars of stock,) shall be well secured by mortgage on unincumbered real estate, at not more than two-thirds of its value, which shall be renewed from time to time, as the property may diminish in value: *Provided*, that no mortgage shall be taken on any house in town unless the same be insured, in which event the policy of insurance shall be transferred to the company.

Approved, December 28, 1832.

[No. 52.]

AN ACT

To allow the Tax Collector of Covington county twenty five per centum on the amount of taxes he collects for the county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the assessor and tax collector for the county of Covington, shall be entitled to receive as compensation for collecting the county taxes of said county, twenty five per centum on the amount he may collect as county taxes, and that he shall be authorised to retain said twenty five per centum, when he pays over the county taxes to the treasurer of said county.

Approved, December 29, 1832.

[No. 53.]

AN ACT

Declaring Crow Creek, in Jackson County, a Public Highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Crow Creek, in Jackson county, is hereby declared a public highway.

Sec. 2. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 5, 1833.

[No. 54.]

AN ACT

For the relief of George Riggs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That George Riggs, be, and he is hereby reinstated in such rights of citizenship, as he was deprived of in consequence of a conviction for petit larceny in the circuit court of Morgan county, from the passage of this act.

Approved, January 5, 1833.

[No. 55.]

AN ACT

To Incorporate the town of Claysville, in Jackson County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Claysville in the county of Jackson, be and the same is hereby established and incorporated, including (not more than fifty acres,) agreeable to the plan of said town, as laid off by A. R. Barclay and Simeon Nichols.

Boundaries of town.

Sec. 2. *And be it further enacted*, That an election shall be held at the house of Wm. H. E. Wheeler in said town, on the first Monday of February next, and on the same day in every year thereafter, to commence at ten o'clock in the morning and close at two in the afternoon, for the purpose of electing by ballot, five councilors, inhabitants of said town, who shall serve for

Town councilors to be elected, and

To serve for
one year.

Councillors to
elect an intendant.

His duty.

Style of the
corporation.

Its powers.

Its property
limited.

Its corporate
powers denned.

the term of one year after they shall have been elected. The election shall be conducted and managed by a justice of the peace and two householders in said town, and all subsequent elections shall be managed and conducted by two of the councillors, to be appointed by the board for that purpose, and the said councillors so elected, shall on the next day after said election in each and every year, meet and elect by a majority of votes, from their own body an intendant, whose duty it shall be to preside and keep order at all meetings of said councillors, and in his absence or incapacity, any other member may be called to the chair, and said councillors shall be and they are hereby constituted a body corporate, by the name and style of the intendant and council of the town of Claysville, and by that name they and their successors in office shall be capable in law, of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or equity; also to keep and have a common seal, and the same to break, alter and amend at pleasure; and in general to do all acts which are incident to bodies corporate, and to purchase, hold and dispose of for the benefit of said town, real, personal or mixed property, to the amount of five thousand dollars.

Sec. 3. *And be it further enacted*, That the said intendant and council shall possess the same powers and be subject to the same restrictions as are provided by law for the government of the intendant and council of the town of Montgomery, passed at Huntsville, the third day of December, eighteen hundred and nineteen.

Approved, January 5, 1833.

[No. 56]

AN ACT

To organize the Militia of Clarke County.

50th Reg't.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the first day of March next, the militia composed of the twenty-sixth and thirtieth regiments, be, and the same is hereby consolidated and known as the thirtieth regiment: *Provided*, that all the field officers of each regiment, resign their commissions, and such resignation, shall not disqualify any officer from holding any military appointment in said regiment, upon a re-election.

Two volunteer
companies allowed.

Sec. 2. *And be it further enacted*, That the first regimental court martial, held under the provisions of this act, shall arrange company beats in such manner as to authorise two volunteer companies in said regiment.

Approved, January 5, 1833.

[No. 57.]

AN ACT

To establish an Academy at Blountsville.

Academy at
Blountsville
established.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Yelverton C. Woodward, Philip D. Clack, John P. Thomas, John H. Henderson, Mace T. P. Bradley, Caleb Rodgers and Daniel Rector, and their successors in office, be, and they are hereby declared a body corporate, under the name and title of the Trustees of the Blountsville Academy, and as such shall have perpetual succession, sue and be sued, plead and be impleaded, in any court of law or equity in this State, and to make such rules, regulations and by-laws for the government of

Style.

the said institution, and for the election of its officers, as shall be necessary: *Provided* such rules, regulations or by-laws shall not be repugnant to the constitution and laws of this State and of the United States.

Sec. 2. *And be it further enacted*, That the said corporation shall hold and enjoy such real and personal estate as shall be absolutely necessary for the purposes of the institution, and no more; and to have and use a common seal, under which the said body corporate, shall be bound for all contracts and agreements entered into by them. Powers.

Sec. 3. *And be it further enacted*, That a fair proportion of the nett annual proceeds of the fund arising from the sale of the sixteenth section of the township in which said academy shall be situated, shall be paid over by the commissioners of said section to the trustees aforesaid, for the purposes of the said institution. 16th section proceeds to be appropriated.

Approved, January 5, 1833.

[No. 58.]

AN ACT

For the relief of William Moore.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Moore, now residing near the line between the counties of Shelby and Bibb, shall be added to and hereafter be a citizen of the county of Bibb, liable to perform all the duties, civil and military, and entitled to all the privileges of a citizen of the county of Bibb, so long as he continues his present residence.

Approved, January 5, 1833.

[No. 59.]

AN ACT

To repeal the several acts concerning Roads, Highways, Bridges and Ferries in the county of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act entitled an act concerning roads, highways, bridges and ferries in the county of Mobile, approved, December 24, 1824, together with all and singular the acts amendatory thereto, be and the same are hereby repealed. Repeal.

Sec. 2. *And be it further enacted*, That the law now in force in other counties of this State, concerning roads, bridges, ferries and highways, shall from and after the passage of this act, be the law governing the said county of Mobile, any act of the general assembly to the contrary thereof notwithstanding. The general road law to prevail.

Approved, January 5, 1833.

[No. 60.]

AN ACT

To divorce Julius Sneed from his wife Jane Eliza Sneed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity with the decree of the circuit court of Shelby county, sitting in chancery, entered at the spring term of said court, in the year one thousand eight hundred and thirty two, the bonds of matrimony heretofore solemnised and subsisting between the said Julius Sneed and the said Jane Eliza Sneed, be and the same are hereby annulled and made void; and that the said Julius Sneed from his said wife Jane Eliza, be henceforth divorced.

Approved, January 5, 1833.

[No. 61.]

AN ACT

To authorise Daniel McDaniel, and G. B. Mobley, to establish a Ferry on the Tombeckbee River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Daniel McDaniel and G. B. Mobley, of the county of Pickens, be, and they are hereby authorised to establish a public ferry on the Tombeckbee river, on the land owned by said Daniel McDaniel, on the east side of said river; and the land on the west side of said river, now in the possession of said G. B. Mobley: the ferry to cross at or near the south east end of Hancock's bluff.

Liabilities.

Sec. 2. *And be it further enacted,* That said Daniel McDaniel and G. B. Mobley, be, and they are hereby entitled to all the rights and privileges, and subject to all the duties and liabilities, that belong and attach to persons keeping public ferries, under the laws of this State.

Approved, January 5, 1833.

[No. 62.]

AN ACT

Authorising certain persons therein named to clear out and Turnpike a Road from the Wetumpka Falls to Syllacogga.

To whom granted.

Route of road.

Time allowed for.

Manner in which to be done.

Company to report to judge of county court,

Who shall appoint commissioners to examine and report.

If favorable, Toll gate may be erected, where.

Rate of tolls.

Penalty for evading, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Lindsay, Joseph B. Cleveland and Robert W. Cleveland, be and they are hereby authorised to clear out and open a road from the lower end of the Wetumpka falls on the Coosa river, to the store house of Joseph B. Cleveland at Syllacogga.

Sec. 2. *And be it further enacted,* That the said company shall be allowed the term of two years to open out and complete said road, and said road shall be completed by clearing out all obstructions twenty five feet wide, twelve feet of which width of all stumps and grubs, and by causewaying all places requiring causeways, with timbers properly laid down, twelve feet long, with ditches on each side of the causeways, and also by levelling sloping places in such a manner as to afford a safe and easy passage for carriages.

Sec. 3. *And be it further enacted,* That when the said company shall have thus completed said road, it shall be their duty to report the same to the judge of the county court of the county through which the largest part of said road shall run at its completion, whose duty it shall be to appoint three proper persons as commissioners to examine said road and report its condition to the said judge, and if in their opinion the second section of this act has been complied with, the said judge shall issue his order, authorising said company to erect a toll gate on said road: *Provided,* that it shall not be erected within five miles of Syllacogga.

Sec. 4. *And be it further enacted,* That said company shall be hereby authorised to demand and receive the following rates of toll, viz: for every four wheel carriage, seventy five cents; for every two wheel carriage, fifty cents; for every man and horse, twelve and one half cents; for loose horses, pack horses and mules, six and one fourth cents per head; and for hogs, sheep and goats, three cents per head; and if any person shall pass round said gate with an intent to avoid the payment of the toll allowed by this act, he, she or they shall forfeit and pay treble the amount

of the toll authorised by this act to be received by the said company, to be recovered before any justice of the peace of the county wherein the offence may be committed; and if any person shall obstruct or injure said road, he, she or they shall forfeit and pay to the said company twenty dollars, to be recovered by warrant before any justice of the peace wherein said offence may be committed.

How recovered.

For obstructing.

How recovered.

Sec. 5. *And be it further enacted*, That it shall be the duty of the judge of the county court of the county wherein the said gate shall be erected, when application be made to him, to appoint three suitable persons to examine said road and report its condition to said judge, and if in the opinion of the persons thus appointed, the said road shall not be in good repair, the said judge shall direct the said turnpike gate to be opened, and no toll shall be received under the penalty of twenty dollars for each offence, recoverable by warrant before any justice of the peace of the county wherein said offence may be committed; and the said gate shall remain open until said commissioners or any one of them shall certify to the said judge that the said road is in good and sufficient repair.

If road is not kept in repair, course to be pursued.

Benefits forfeited,

Until, &c,

Sec. 6. *And be it further enacted*, That any damage sustained by any individual by reason of the passage of said road through their lands, the same shall be paid by the said company.

Damages to be paid in certain case.

Sec. 7. *And be it further enacted*, That this act shall continue and be in force for fifteen years from and after the passage thereof: *Provided*, that this act shall not be so construed, as to prevent this State from granting to any company, the privilege of making a rail road at or near said road at any time.

To continue for 15 years.

Proviso.

Approved, January 9, 1833.

[No. 63.]

AN ACT

To authorise the election of certain Officers therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the citizens of the town of Tuscumbia, be, and they are hereby authorised to elect one additional justice of the peace and constable for said town company.

Election of justice of the peace and constable in Tuscumbia.

Sec. 2. *And be it further enacted*, That said election shall be held on the first Monday in February next, in the same manner and under the same rules and regulations, that elections for such officers are now held; and such officers so elected shall hold their office until the next general election for such officers, and be subject to the same rules, regulations and penalties that such officers are now subject; any law, usage or custom to the contrary notwithstanding.

When held.

Approved, January 8, 1833.

[No. 64.]

AN ACT

Providing for the payment of Petit Jurors in the county of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the petit jurors of the county of Jackson shall receive as full compensation, two dollars for every suit, on which verdict shall be rendered against them.

Pay of petit Jurors.

Sec. 2. *And be it further enacted*, That in order to raise a Fund for the purpose specified in the first section of this act, that

Low raised.

there shall be taxed in the bill of costs, by the clerks of the different courts respectively, the sum of two dollars, which said sum when collected, shall be paid into the county treasury, for the exclusive benefit of said jury.

Clerk to certify to the serving of jury.

Sec. 3. *And be it further enacted*, That the clerk shall certify to the amount so earned by said jury on each day, which certificate shall be a sufficient voucher to draw the money from the treasury of the county.

County tax repealed.

Sec. 4. *And be it further enacted*, That the tax of two dollars on each suit now authorised by law, to be taxed in the bill of costs, except in cases in which there is no verdict rendered by a jury, so far as the same relates to the circuit courts, shall cease to be in force in the county of Jackson.

Repeal.

Sec. 5. *And be it further enacted*, That all laws and parts of laws now in force, providing for the payment of petit jurors, except the tax fee of two dollars now allowed by law to the judges of the county courts, so far as the same relates to the county of Jackson, be and the same is hereby repealed. Approved, January 8, 1833.

[No. 65.]

AN ACT

To authorise the Colonel Commandant of the 15th Regiment, in the county of Jefferson, to increase the number of beats in said Regiment, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Addition of beats to 15th regiment.

convened, That the colonel commandant of the 15th regiment of the militia in Jefferson county, be and he is hereby authorised, with the regimental court martial, to lay off two additional company beats in said regiment: *Provided*, he may deem it necessary.

Further addition.

Sec. 2. *And be it further enacted*, That so soon as that part of the territory taken from the county of Shelby and added to the county of Jefferson, by an act of the general assembly, passed in the year 1831, shall be attached to the said county of Jefferson, it shall be the duty of the colonel commandant of said 15th regiment, to proceed to lay off the same into one company beat as aforesaid, notwithstanding said beat may consist of a less number of privates than forty.

Precinct at Connor's store.

Sec. 3. *And be it further enacted*, That so soon as the said company beat shall be laid off, there shall be an election precinct established at Connor's store in said company.

Approved, January 9, 1833.

[No. 66.]

AN ACT

Authorising a Lottery for the benefit of Bellefonte Academy and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly*

Lottery authorised for academy in Bellefonte.

convened, That it shall and may be lawful for John Cowart, Temple Harris, James Turk, Alva Finlay, Jacob T. Bradford, Henry F. Scruggs, John Hudson, jr. and Hiram F. Delaney, or any five of them, to raise by lottery, any sum not exceeding four thousand dollars, to be appropriated in erecting and furnishing an academy at Bellefonte, in the county of Jackson.

Managers to give bond.

Sec. 2. *And be it further enacted*, That the aforesaid John Cowart, Temple Harris, James Turk, Alva Finlay, Jacob T. Bradford, Henry F. Scruggs, John Hudson, jr. Hiram F. Delaney, or as many of them as may choose to serve, shall before they enter upon the duties assigned them by this act, enter into

bond with sufficient security, before the judge of the county court of Jackson county, conditioned for the faithful discharge thereof, which bond may be put in suit in the name of the governor of the State of Alabama, for the time being, by any person injured by the breach of any of the provisions of this act.

Sec. 3. *And be it further enacted*, That it shall be the duty of the aforesaid persons, or as many of them as choose to act, within ninety days from the completion of the drawing of the said lottery, to pay to the fortunate drawers in said lottery, or to their heirs or assigns, such prizes as may be due, agreeably to the scheme they may have determined on and published. Payment of prizes.

Sec. 4. *And be it further enacted*, That the drawing of said lottery shall be in the town of Bellefonte, giving thirty days notice of the time of drawing, which shall be conducted in such manner, and under such regulations and responsibilities as to the aforesaid persons may seem most expedient: *Provided*, that each clerk or other person concerned in said drawing, shall take an oath before a justice of the peace or judge of the county court, faithfully to discharge their respective duties. Lottery where drawn.
Oath to be taken.

Sec. 5. *And be it further enacted*, That the drawing of said lottery or the first class thereof, shall take place in one year from the publication of the scheme, and if said lottery or class of said lottery shall not be drawn within the time specified, the purchasers of tickets may demand and receive of the said managers or persons before mentioned, in the first and second sections of this act, any money disbursed for tickets in said lottery: *Provided*, that said commissioners shall have five years to complete said lottery. When drawn.
Proviso.

Sec. 6. *And be it further enacted*, That Peter Keener, Alva Finlay, John Hudson, jr. Jacob T. Bradford and Stephen Carter, be and they are hereby appointed a committee for building said academy, and the said committee or any three of them who may choose to act, shall have power to contract for any lot or lots or tracts of land that may be necessary for the building of said academy, and also contract for the building of the same, and it shall be the duty of said committee to superintend the building of said academy. Building committee.

Sec. 7. *And be it further enacted*, That the commissioners appointed by the first section of this act, shall report to the committee for building the said academy, within twelve months from the passage of this act, or at such other time thereafter as may be ordered by the said committee, the progress of the sale of tickets or drawing of the said lottery. Commissioners to report to building committee.

Sec. 8. *And be it further enacted*, That the commissioners shall pay over to the said committee or to their order, all or any moneys that may be raised by this act, which said moneys shall be appropriated solely to the erection and furnishing of said academy. To pay over money.

Approved, January 9, 1833.

[No. 67.]

AN ACT

For the relief of Thomas Mitchel, of Jefferson county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas Mitchel of Jefferson county, be and he

is hereby released from the payment of the sum of ninety three dollars, which sum he promised to pay the State of Alabama for a lot or lots granted by him to the State, on conditions that the seat of government was located at the town of Tuscaloosa.

Sec. 2. *And be it further enacted*, That the treasurer or building committee of the State, be and he is hereby authorised and required to deliver said note or obligation to said Thomas Mitchel.

Approved, January 9, 1833.

[No. 68.]

AN ACT

To require a re-division of the City of Mobile into Wards, and to regulate the discharge of Ballast.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an election shall be held, from the hour of nine o'clock in the forenoon to the hour of four o'clock in the afternoon, of the last Monday in February next, at the court-house in the city of Mobile, for five commissioners, whose duty it shall be, upon being notified of their election by the mayor or any of the aldermen of the city of Mobile, officiating as such, to assemble and make a just and equal division of the said city into four wards, according to population and taxes assessed on real estate: That the said commissioners shall, before they perform the said service, take and subscribe the following oath: We do solemnly swear, (or affirm, as the case may be,) that we will make a just and equal division of the city of Mobile, into four wards, according to population and taxes assessed on real estate, to the best of our respective skill and judgment. So held us God. Which oath, together with a report in writing plainly describing the said division, which it is hereby made the duty of the said commissioners or a majority of them, to make within fifteen days after their election, shall be spread upon the minutes of the corporation of the said city: And the report shall be deemed and held as a division of said city into wards, any law or ordinance to the contrary notwithstanding.

Sec. 2. *And be it further enacted*, That the mayor and aldermen of the said city, are hereby required to order said election; to give ten days previous notice thereof, and to appoint inspectors and clerks to conduct the same: And that persons who are qualified to vote for mayor of said city, shall be deemed qualified voters for said commissioners, and none others.

Sec. 3. *And be it further enacted*, That no freeholder shall be hereafter deemed a qualified voter for mayor and aldermen, or for said commissioners, unless the written evidence of his freehold shall have been on record at least thirty days before the election at which he offers to vote.

Sec. 4. *And be it further enacted*, That the harbor master and wardens of the port of Mobile, be, and they are hereby authorised to point out and direct where ballast shall be discharged in or about the bay of Mobile; and that the master or officer of any vessel, or other person who may violate such direction after the same shall have been given or published, and discharge the same at any other than the place or places pointed out as aforesaid; shall forfeit and pay the sum of fifty dollars for every such offence with costs, to be recovered before any justice of the peace of

Commissioners to be elected to divide city into four wards.

To take oath.

Mayor and aldermen to order election.

Who to vote.

Who qualified to vote for mayor.

Harbor masters to direct where ballast shall be discharged.

Penalty.

Mobile county, at the suit of the harbour master, one half of which shall be paid to the person or persons giving information of the same, and the other half to the use of the city of Mobile.

Approved, January 9, 1833.

[No. 69.]

AN ACT

To exempt certain persons therein named, from the performance of Military and other duties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, all persons who have heretofore, or may hereafter emigrate to the county of Lauderdale, in the State of Alabama, for the purpose of working on the canal around any of the shoals in the Tennessee river, in said county of Lauderdale, or in any manner clearing the obstructions out of any of said shoals in said county, under any of the contracts made in pursuance of the plan of the work contemplated and now in progress by the State government, around or through said shoals in said county, shall be exempt from working on roads or the performance of military duties, so long as they continue engaged in said work, unless in cases of insurrection or invasion: *Provided,* that each contractor or company on being notified by the proper officer of the time and place of working, shall furnish five hands to work for the same length of time and in the same manner as other citizens, on that part of the road to which they have been duly apportioned.

Sec. 2. *And be it further enacted,* That the certificate of any of the contractors of said work, shall be sufficient evidence of the fact to exempt any person or persons who may be in the employ of said work, for the performance of said duties.

Sec. 3. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 9, 1833.

[No. 70.]

AN ACT

To establish a certain Ferry therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James Young, be, and he is hereby authorised to open and keep a public ferry across the Tennessee river, on fractional section thirty-three, of township five, in range two west of the basis meridian of Huntsville, on his executing bond with good and sufficient security, to the judge of the county court of Madison county, in the penal sum of one thousand dollars, conditioned as the law directs, for ether ferry keeper's bonds.

Sec. 2. *And be it further enacted,* That whenever said James Young shall have said ferry ready to go into operation, he shall apply to the judge of the county court and commissioners of roads and revenue of Madison county, at the first term thereafter of said court, whose duty it shall be on said application, to fix and establish the rates of said ferry, and said Young shall not be allowed to receive any other.

Sec. 3. *And be it further enacted,* That the rates of ferriage established by the county courts of Madison county, shall not exceed the following rates, to wit: For each four horse waggon loaded, seventy-five cents; for each four wheeled waggon

Proviso.

To establish a good road.

empty, fifty cents; for each four wheeled pleasure carriage, fifty cents; for each two wheeled pleasure carriage, twenty five cents; for each man and horse, twelve and a half cents; for each ox cart loaded, thirty-seven and a half cents; for each ox cart empty, twenty-five cents; for each footman, six and one-fourth cents; and for all other ferrriages, not enumerated in this act, the same rates of ferrriage as are allowed at other ferries in the neighborhood: *Provided*, that one-half of the interest and rights in the ferry, hereby established, shall inure to and be vested in the owner of the landing on the south side of said river, he being at one-half of the expense of establishing and keeping up said ferry.

Sec. 4. *And be it further enacted*, That the above named James Young, be and he is hereby authorised and required to cut out and establish a good road, from the ferry established by this act, the nearest and best way so as to intersect the present road leading from Centre Spring, in Morgan county, to Triana, at or near John Sharp's, Esq.

Sec. 5. *And be it further enacted*, That said road when cut out, shall be of the second grade of roads, and the said Young is required to keep said road in good and sufficient order, so that it may be easily passed at all times by waggons and other carriages.

Approved, January 9, 1833.

[No. 71.]

AN ACT

To authorise the Judge of the County Court of Franklin County, and Commissioners of Roads and Revenue, to designate the Boundary and Hands for each Overseer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of roads and revenue of said county, are hereby authorised and required to apportion the hands liable to work on roads throughout the county, without any regard to captains' beats, and fix some limit or boundary to each overseer, which shall be sufficient authority for the overseers to summons and compel all persons living within those boundaries to work on the road.

Hands apportioned without regard to captains' beats.

Judge of county court to fix overseer's bounds, &c.

Sec. 2. *And be it further enacted*. That the judge and commissioners aforesaid, or a majority of them, shall convene together at some suitable time and place, and determine the boundary for each overseer, by going upon and examining the ground, if to them it shall appear necessary, or they may if to them it appears advisable, make the return of the apportioners for 1833, as the fixed hands and boundary for each overseer: and any person or persons settling or moveing within the boundary of any overseer shall be compelled to work under such overseer by being legally summoned, until otherwise ordered by said commissioners court.

Overseer's to report, when, &c.

Sec. 3. *And be it further enacted*, That it shall be the duty of overseers appointed by said commissioners court to make return to said court during the year of 1833, of all the hands furnished them by the apportioners for said year, under the penalty of this act, prescribing the duty of overseers; and it shall further be the duty of the clerk to enter on all orders issued by him to overseers, to insert on the same the duty required by overseers to make return of hands furnished them by the apportioners to said court.

Duty of clerk.

Boundaries as needed.

Sec. 4. *And be it further enacted*, That the boundaries so made by the commissioners aforesaid, shall be and remain the boun-

dary for each overseer from time to time without any alteration, unless it should appear to said court, that it should be right to make any alteration in any of the boundaries at any of the regular courts, and in that case the court shall be authorised to make such alteration as to them may appear right by having the alteration of boundary entered on the clerk's books.

Sec. 5. *And be it further enacted*, That it shall be the duty of the clerk of said county, to cause to be entered on each order for the overseers' appointment, to have the boundaries entered on said orders; and on the clerk's failing to do so, he shall be liable to pay all the damages arising from the overseers not working on the road. Further duty of clerk, &c.

Sec. 6. *And be it further enacted*, That all the hands that are now by law bound to work upon roads, are bound to work upon the roads in Franklin county; and the overseers of roads in said county shall give the same notice that is now required by law to be given, and in case they shall fail to attend and work agreeably to notice, said overseer may cause a warrant to be issued in his own name as overseer, against the person or persons so failing to work, or refusing to send his or her hands to work, and any magistrate is authorised and required to give judgment for one dollar for each and every hand so failing to work with all legal costs, by first summoning the person to appear before him by a legal officer. Who to work on roads.
For failure, magistrate to issue warrant

Sec. 7. *And be it further enacted*, That all fines recovered by overseers, shall be faithfully applied by him to hiring hands to work on the said road, and that it shall be the duty of the overseers in summoning the hands to work, to ascertain the number of hands each individual is bound by law to furnish to work on roads; and it shall be the duty of overseers to request each individual to furnish a definite number. Fines how applied.
Duty of overseer, &c.

Sec. 8. *And be it further enacted*, That it shall be the duty of overseers within twenty days after the time of working on said roads, after giving such person or persons as may fail to work or refuse to send his or her hand or hands, ten days from the time of working to make payment, but if he or she should fail to make payment within that time, it shall be the duty of the overseer or overseers, within ten days thereafter, to cause such person or persons to be summoned before a magistrate, whose duty it shall be to award judgment in favour of the overseer, upon the evidence of the overseer, that he had legally summoned him or them to work or send his or her hand or hands, and that he or she had failed to do so. How overseer to proceed to assess and collect fines.

Sec. 9. *And be it further enacted*, That it shall be the duty of any magistrate upon legal information being given him by any person, that any overseer has failed to comply with this act by not forcing the collection or not applying it properly when collected, to issue his warrant to summons such overseer to appear before him, and upon satisfactory evidence, to give judgment against such overseer for ten dollars, one half to the use of the informer, and the other half to be paid over to the next overseer that may be appointed in his place; and it shall be the duty of the magistrate to notify some one of said commissioners, that such overseer had failed to do his duty, and that he had awarded judg- How overseer to be proceeded against.

ment against him for such failure; and it shall be the duty of the judge of the county court and commissioners of roads and revenue, and the next regular commissioners' court after such information, to appoint another overseer in the place of the one so failing to do his duty; and it shall be the duty of the magistrate to issue executions upon judgments, that he is by this act authorised to give, and collect the same, and pay it over to the overseer, and by him to be used to hire hands to work on said road.

Approved, January 10, 1833.

[No. 72.]

AN ACT

For the relief of Benjamin Hudson and William Alsobrook, of Franklin County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Benjamin Hudson and William Alsobrook, of Franklin county, be, and they are hereby released from the payment of all the interest which may have accrued upon the sum of seventeen hundred and eighty-six dollars, which sum is the amount of a judgment obtained in the circuit court of Tuscaloosa county, by the State of Alabama, against said Benjamin Hudson and William Alsobrook, as securities for Elijah Smith, late tax collector of Franklin county: On condition that the said Benjamin Hudson and William Alsobrook, or either of them, enter into bond with two good securities, made payable to the governor of the State of Alabama, and his successors in office, to be approved of by the judge of the circuit court of Franklin county, for the sum of seventeen hundred and eighty-six dollars, to be divided and paid in six equal annual instalments, without interest thereon: *Provided,* that nothing in this act shall be so construed as to exempt the said Benjamin Hudson and William Alsobrook, from the payment of all costs which may have accrued in prosecuting the bonds of the said Hudson and Alsobrook to judgment: *And provided,* that the said bonds shall be given at the next term of the circuit court of Franklin county: *And provided, further,* that nothing in this act shall be so construed as to release Elijah Smith, tax collector as aforesaid, from the payment of the whole debt, damages and costs of the judgment named in this act.

Approved, January 10, 1833.

[No. 73.]

AN ACT

To establish a Road from the ferry at Montgomery by way of Kingston in the county of Autauga, to Samuel Bogle's in Bibb county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Lewis G. Robertson, Thomas Smith, Charles Boothe, John Boothe and Jacob R. Thacker, or a majority of them, be and they are hereby appointed commissioners to review and lay out said road from the ferry at Montgomery to the town of Kingston; and Locke Bort, John Ward, Demsey Oden, Seaborn Hambriek, Edmond Shackelford and Samuel Bogle, be and they are hereby appointed commissioners to review and lay out said road from Kingston to Samuel Bogle's.

Sec. 2. *And be it further enacted,* That said commissioners or a majority of them, shall have power to act after first taking the oath prescribed by law to juries of review, and it shall be their duty to lay out and mark said road without regard to any

Relieved from
Interest,

On condition.

Provide:

Further pro-
vision
Liability of
Smith contin-
ued.

Who appoint-
ed commis-
sioners to lay
out.

Duty of &c.

other road now established by law; but having due regard to the suitableness of the land for a road and the distance to said designated points.

Sec. 3. *And be it further enacted*, That said commissioners or a majority of them, after laying out and marking said road, shall forthwith report the same to the judge of the county court and commissioners of roads and revenue of the county of Autauga, whose duty it shall be to lay off the same in suitable precincts, and appoint overseers for the purpose of having said road cut out, and said road shall thereafter remain under the jurisdiction of the judge of the county court and commissioners of roads and revenue of the county of Autauga: *Provided*, that the commissioners' court of Bibb county shall have jurisdiction over the part of the road in said county. Shall report, &c.

Approved, January, 10, 1833.

[No. 74.]

AN ACT

To review and alter the State Road leading from E. Burrow's in Dallas county, to Montevallo in Shelby county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That W. H. Wilson and Claiborne Hinds of Bibb county, Samuel Bogle and John Lovelady of Shelby county, be and they or a majority of them are hereby appointed a board of commissioners, to review, mark, lay out and alter, where they may deem necessary, the State road leading from E. Burrow's in Dallas county, to Montevallo in Shelby county; and that the said board are hereby authorised to alter the said road in such manner as will be of most public utility, and as can be made and kept in repair at the least labor and expense. Commissioners appointed.

Sec. 2. *And be it further enacted*, That the said board are hereby required, after they have marked, laid out and altered the said road as aforesaid, to make a report of the same to the judge of the county court and commissioners of roads and revenue of the counties through which the said road shall run respectively; and thereupon the said judge and commissioners of roads and revenue shall appoint overseers, apportioners, &c. to the part of the said road that may run through their counties respectively; and do all other acts that may be necessary to put and keep so much of the said road in repair, as may be within their counties respectively. To make report.

Sec. 3. *And be it further enacted*, That the said commissioners before they proceed to the discharge of the duties in this act imposed, shall appear before some justice of the peace or other officer authorised to administer an oath, and duly qualify by swearing to perform their duties in this act prescribed, to the best of their ability and judgment, without partiality or favor. County court to appoint overseers, &c.

Sec. 4. *And be it further enacted*, That should any of the commissioners herein above named, die, refuse to qualify or serve, those remaining are hereby authorised to fill the vacancy by their own appointment, and the person or persons so appointed, shall qualify and serve in the same manner as if appointed by the first section of this act. Commissioners to take oath.

Sec. 5. *And be it further enacted*, That all laws and parts of laws that come within the meaning and purview of this act, be and the same are hereby repealed. Vacancies.

Approved, January 18, 1833.

[No. 75.]

AN ACT

To provide for the election of officers for the county of Pike.

Sheriff to hold election.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the sheriff of Pike county to hold an election on the second Monday in February next, for the election of two commissioners of roads and revenue, a sheriff of said county, a clerk of the circuit court of said county, who when elected shall hold their offices during the time and in the manner now prescribed by law.

Compensation.

Sec. 2. *And be it further enacted,* That the sheriff of Pike county shall receive for holding said election, the sum of fifteen dollars, to be paid out of the treasury of Pike county.

Approved, January 10, 1833.

[No. 76.]

AN ACT

Amendatory of an act for the relief of the Fire Engine Company, No. 2, of the City of Mobile, approved, January 15, 1831.

Number of company limited.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the above recited act, as limits and restricts the said fire engine company, No. 2, to the number of fifty men, be and the same is hereby repealed, and that hereafter the said fire engine company may be increased to the number of seventy men and no more.

Privileges of members.

Sec. 2. *And be it further enacted,* That the additional number of members of the said fire engine company, provided for by this act, shall be entitled to all the privileges and exemptions to which the members of said company have heretofore been entitled.

Approved, January 10, 1833.

[No. 77.]

AN ACT

To incorporate the Light Horse in the County of Autauga.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That captain Edmond Shackelford, lieutenant James Sullivant, and second lieutenant Thomas Williams, and their associates in said volunteer company, of the county of Autauga, be, and they are hereby incorporated under the name and style of the Autauga Light Horse, with power to pass such by-laws for the government of said company, as may be deemed necessary.

Who may be members.

Proviso.

Sec. 2. *And be it further enacted,* That the privates within the bounds of the forty-seventh regiment, in said county, shall be authorised to become members of said Autauga light horse: *Provided,* that no militia company in the forty-seventh regiment, shall be reduced to a less number than forty privates.

Approved, January 10, 1833.

[No. 78.]

AN ACT

To incorporate the Montgomery Hall Company.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Sayre, George Whittman, John Goldthwaite, Robert Harwell, Mosely Hooker, William Shute, Lewis W. Pond, William P. Converse, Daniel Carpenter, Justus Wyman, Bryant Gordon, Constantine C. Connally, John Shackelford, George Goldthwaite, John A. Campbell and William Pea-

cock, and such as they may hereafter associate with them and their successors in office, he and they are hereby constituted a body corporate in deed and law by the name and title of the style. Montgomery Hall company, and the said corporation by their name aforesaid, shall have and enjoy a perpetual succession of officers and members to be appointed or elected in such a manner and according to such a form as may be prescribed by the rules and regulations made for the government of said corporation and that they may have a common seal, and the same to break, alter, and renew at pleasure.

Sec. 2. *And be it further enacted*, That the said corporation shall be able and capable in law, to purchase, have, hold, receive, possess, enjoy and retain to itself, in perpetuity or for any term of years, any estate, real or personal, of what kind or nature soever, and the same to use, grant, mortgage, rent, alien, demise or dispose of in such manner as they may think proper; and by its name above mentioned, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all manner of actions, suits, matters and things depending in any court of law and equity in this State: and to make such rules and regulations for the government of said corporation, not repugnant to the constitution of the United States or of this State as they may deem expedient: *Provided always*, that it shall not be lawful for the said corporation to use any part of its capital stock or funds for banking purposes.

Powers.

Proviso.

Capital.

Sec. 3. *And be it further enacted*, That the capital stock of said corporation shall be divided into shares of five hundred dollars each, and shall not exceed the sum of one hundred thousand dollars.

Sec. 4. *And be it further enacted*, That the affairs of said corporation shall be managed and conducted for the present by five directors, who are residents within this State, who shall hold the offices until there shall be a new election of directors in pursuance of this act; and the said five directors shall be John Golothwaite, George Whithman, Daniel Carpenter, William P. Converse and Justus Wyman, out of which number the said directors of said company shall constitute a quorum for the transaction of business.

Directors.

Sec. 5. *And be it further enacted*, That a majority of the stockholders in said corporation may elect directors and such other officers as they may deem necessary, at such times and places and under such regulations as a majority of said corporation may deem expedient: *Provided always*, that in all elections by the stockholders, a majority of the shares shall be represented either in person or by proxy, and that the vote shall be taken by shares, each share entitling the holder to one vote.

Stockholders to elect directors.

Proviso.

Sec. 6. *And be it further enacted*, That each stockholder in said corporation shall be liable individually for the amount of his or her share or shares, and for the purpose of ascertaining the liability of the stockholders of said corporation, a stock book shall be kept by the directors of the company, in which shall be entered the names of the stockholders and the number of shares held by each, and no transfer of the stock of said corporation shall be of any validity, until the same shall have been entered on the book of said corporation, and it shall be the duty of the president

Stockholders liable for amt of shares;

Stock-Book to be kept.

Books may be inspected.

Property of
stockholders
subject to ex-
ecution.

Revised

to permit any person to inspect the said book on his paying the sum of fifty cents, and any sheriff or other officer having execution against the said company, may levy the same on the goods and chattels, lands and tenements of any one or more of each, as were stockholders at the commencement of the action, and to make out of the same the amount of their respective share or shares: *Provided always*, that no stockholder shall be liable, beyond the amount of his or her respective share or shares.

Sec. 7. *And be it further enacted*, That his act shall take effect from and after its passage. Approved, January 10, 1832.

[No. 79.]

AN ACT

For the benefit of Cornelius Cox, of Bibb County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Cornelius Cox, of Bibb county, be, and the same is hereby authorised and empowered to keep up and continue his mill dam across the middle fork of Mulberry creek, where the same now stands: *Provided, however*, that said dam shall be at no time so high as to cause the water above it to overflow or injure any lands not belonging to, or used by the said Cornelius Cox.

Approved, January 10, 1833.

[No. 80.]

AN ACT

To authorize a Lottery for the benefit of building an Academy at or near Statesville, in the County of Autauga.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That it shall and may be lawful for Mark Perry, William Migill, Daniel Kirkland, Lewis Tyus, John Wood, Sanford H. Migraw and Matthew Gaston, or a majority of them, who may take upon them the duties enjoined by this act to raise by lottery in one or more classes as to them may seem necessary, any sum not exceeding five thousand dollars, to be apportioned exclusively to the building of an academy, at or near Statesville.

31 members to
give bond.

Sec. 2. *And be it further enacted*, That the said Mark Perry, William Migill, Daniel Kirkland, Lewis Tyus, John Wood, Sanford H. Migraw and Matthew Gaston, or such majority of them as may choose to serve, shall before they enter upon the duties assigned in this act, enter into a bond with sufficient security, payable to the governor for the time being, and his successors in office, before the judge of the county court of Autauga county, conditioned for the faithful performance of all the duties of them required by this act, which bond by the judge shall be filed in the clerk's office of the circuit court of Autauga county, and may be put in suit in the name of the governor of the State of Alabama for the time being, by any person or persons who may be injured by a breach of any provisions of this act.

To pay pri-
zes in 30 days.

Sec. 3. *And be it further enacted*, That it shall be the duty of the said persons or such of them as may choose to act under this law within ninety days after the completion of the drawing of the lottery aforesaid, to pay to the fortunate drawers in said lottery, to his, her or their legal representatives, such prizes as may be due agreeably to the scheme they may have determined upon and published.

Sec. 4. *And be it further enacted*, That the said lottery shall be drawn at Statesville, in the county aforesaid, and the said managers shall in some newspaper within the State, give due notice of the time and place of such drawing, which shall be conducted in such manner and under such regulations and responsibilities, as to the aforesaid persons may seem most expedient: *Provided*, Lottery where drawn. that such clerk or other person concerned in the drawing of said lottery, shall take an oath before some justice of the peace, faithfully and impartially to discharge their respective duties. Proviso.

Sec. 5. *And be it further enacted*, That should the said lottery, or any class thereof, not be drawn within two years after the scheme thereof shall have been published, the same shall cease, and the purchasers of tickets may demand and receive of the managers named in the first section of this act, any money disbursed for tickets in said lottery. If not drawn in two years to cease.

Sec. 6. *And be it further enacted*, That within a convenient and reasonable time after the lottery shall have been drawn, the commissioners acting under this act shall give public notice in some newspaper, and by advertisement at some of the most public places in the county, that the building of the academy will be let to the lowest bidder, who shall be the undertaker of the said building: *Provided*, he shall give to the said managers good and sufficient security for the faithful performance of the contract, and the said managers shall be authorised to make to the said undertaker such disbursements, and at such times as they may think proper. Notice given of letting of academy.

Approved, January 10, 1833.

[No. 81.]

AN ACT

To Incorporate the Washington and Lafayette Academy, in the Town of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William M. Price, and his associates, consisting of not more than seven, are hereby constituted a body corporate, under the style and title of the President and Trustees of the Washington and Lafayette Academy. Incorporation

Sec. 2. *And be it further enacted*, That the president and trustees of said academy shall have authority to make all such by-laws, not contrary to the constitution or laws of the United States, or of this State, as may be deemed necessary for the regulation of said academy; and the same from time to time to alter and amend and annul as to them may seem expedient, and to confer upon the students of said academy necessary and proper certificates or diplomas, for their proficiency in the different branches of science taught in said academy, or the regular studies which may be ordained by the said president and trustees of said academy, and be capable in law of suing and being sued, pleading and being impleaded, and shall be capable of holding personal property, usually employed in the institution of students in academies, and of using and enjoying the present building of the said William Price, erected on lots numbered in the official plat of the town of Tuscaloosa, three hundred and fifty-three, three hundred and fifty-four, three hundred and fifty-five, and three hundred and fifty-two, for the purposes of said academy, and shall further have all the privileges and rights incident to bodies corporate. Powers.

Approved, January 10, 1833.

To organize the County of Barbour, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all officers, civil and military, who were elected for the county of Pike, but by a division of the same have fallen in the county of Barbour, be, and they are hereby authorised to remain and continue to discharge the duties of their respective offices, in the county of Barbour, during the time for which they were elected

Officers elect-
ed for Pike
but now in
Barbour, to
continue in of-
fice.

Sherriff to hold
election for
clerk, and com.
of R. and R.

Election pre-
cincts

Company
beats contin-
ued.

Commission-
ers for fixing
seat of justice.

Site to be call-
ed Clayton.

Commission-
ers to pur-
chase site.

To lay off lots

Court-house
and jail to be
built.
Proviso.

To let con-
tracts for build-
ing to lowest
bidder.

Undertaker
to give bond.

Sec. 2. *And be it further enacted,* That it shall be the duty of the sheriff of said county, to hold an election on the first Monday in February next, for a clerk of the county court, and for the requisite number of commissioners of roads and revenue, to complete the board in said county; and the said commissioners shall hold their offices until the first Monday in August next; and the several election precincts heretofore established, which fall within the county of Barbour, are hereby continued.

Sec. 3. *And be it further enacted,* That all the military arrangements, regiments and battalions and company beats, are hereby continued until otherwise changed by the proper authorities.

Sec. 4. *And be it further enacted,* That Jacob Utery, Daniel McKensey, William Cadenhead, James A. Head, William Norton, William Bush, Green Beauchamp, Samuel G. B. Adams, Noah Cole, Robert Richards, T. W. Pugh, be, and they are hereby appointed commissioners, whose duty it shall be to meet on the first Monday of February next, in the town of Louisville, and proceed to the selection of a suitable site whereupon to fix the seat of justice in said county of Barbour, as near the centre as practicable, which site shall be called and known by the name of Clayton.

Sec. 5. *And be it further enacted,* That when said commissioners have made the selection according to the provisions of the above act, they shall be authorised to select from their own body five persons, whose duty it shall be to make a purchase of the site so selected, not exceeding one-quarter section of land, and the whole number of said commissioners remaining after selecting the said five, shall be thereafter discontinued, and the said five commissioners after purchasing the site as aforesaid, shall have power to lay off into lots in such size as to them shall seem most expedient, and the tract of land so purchased by them, and the same to sell and dispose of in such manner as they may judge best for the public interest, and the monies arising from such sale shall belong to the county, and shall be appropriated by said commissioners for the building of a jail and court-house in said county, in such manner as is hereafter specified: *Provided,* that said commissioners shall reserve from sale one or more lots for the purpose of erecting on the same a court-house and jail for said county.

Sec. 6. *And be it further enacted,* That the said five commissioners are hereby authorised to contract for the building a court-house and jail, or either of them, to the lowest bidder, giving at least twenty days public notice of the time and place of letting out the said work; and bond and security shall be taken

by them of the undertaker, for the faithful performance of the contract, in a sum not less than three thousand dollars.

Sec. 7. *And be it further enacted*, That said commissioners shall keep a record of their proceedings in the clerk's office of the county court, showing their expenditures, the amount of sales and such other things as they may deem necessary. Commissioners to keep a record of proceedings.

Sec. 8. *And be it further enacted*, That the commissioners' court of said county, shall have power to appropriate any sum of money in the county treasury, for the purpose of carrying into effect this act; and the said court shall have power from time to time, to allow the said commissioners a reasonable compensation for their services under this act; and in all cases a majority of the commissioners hereby appointed, and their successors in office, shall be sufficient to act; and all vacancies which may happen among said commissioners, shall be filled by those remaining in office; a record of every such appointment shall be made with the other proceedings of said commissioners. Commissioners court may appropriate for building.
Compensation.
Vacancies.

Sec. 9. *And be it further enacted*, That the circuit and county courts shall hereafter be held at the town of Louisville, in said county of Barbour, until such time as the commissioners appointed for that purpose, shall provide a suitable house in which to hold said courts at the site selected by them under this act. Courts where to be held.

Sec. 10. *And be it further enacted*, That it shall be the duty of the commissioners appointed by this act, before entering upon the discharge of the duties herein assigned them, to take an oath before some person authorised by law to administer oaths, faithfully and impartially to perform their respective duties as commissioners, to the best of their skill and ability. Commissioners to take oath.

Approved, January 11, 1833.

[No. 83.]

AN ACT

For the relief of Thomas G. Tyus, Tax Collector of Limestone county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas G. Tyus, tax collector of the county of Limestone, for the year 1832, be and he is hereby allowed until the first day of March next, to make final settlement and payment of the county tax of said county: *Provided*, that the securities of the said Thomas G. Tyus file their consent with the clerk of the county court of said county. Approved, January 11, 1832.

[No. 84.]

AN ACT

To Incorporate for a limited time, the Crow Creek Navigation Company.

Whereas, the persons residing in the vicinity of Crow creek in Jackson county, encounter many obstacles in getting their crop to market, have the health of their families endangered and their lands injured by the falling of the trees upon its margin, and the accumulation of drift wood therein, causing the same to overflow, for remedy whereof Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas Longacre, John F. Cowan, John Barker, Valentine Fulsner, Jacob Talley, Jeremiah Hester, Archibald Jackaway and their associates of said county, be formed into a company for the purpose of removing the obstructions to the navigation of said creek, from the junction of big and little Crow Commissioners.

creek to the mouth of the same, which said company shall continue for the space of five years, from the first day of January, 1833.

Commission-
ers to register
certain names

Sec. 2. *And be it further enacted*, That Thomas Longacre, John F. Cowan, John Barner, Valentine Fulsher, Jacob Talley, Jeremiah Hester and Archibald Jackaway aforesaid, are appointed commissioners to superintend the said improvement, whose duty it shall be as soon after the passage of this act as may be to register the names of the persons who may apply to them for the purpose, not to exceed two hundred, and give them a certificate thereof, which shall entitle them to the privileges and subject them to the liabilities herein after named.

Liabilities and
privileges of
persons regis-
tered.

Sec. 3. *And be it further enacted*, That the persons who shall have their names registered as aforesaid, shall compose a part of the company hereby incorporated, and shall be bound to labor for the space of ten days at least, during each year of the continuance of said company, in removing the obstructions aforesaid, under the direction and superintendence of the aforesaid commissioners, at each time and in each place, between the junction aforesaid, and the mouth of the creek as they shall direct, under the penalty of one dollar for each and every day they shall fail to work after being duly notified, to be recovered by an action before any justice of the peace for said county, in the name of the commissioners, which shall be by them appropriated to the improvement of the navigation of said stream, and all the persons so registering their names, and the commissioners aforesaid shall during the continuance of said association, be exempt from working on the roads, from doing military duty, (except insurrection or invasion,) and from serving as jurors.

Free of toll.

Sec. 4. *And be it further enacted*, That said Crow creek shall forever remain free from toll or other exaction, to all persons whatsoever, navigating the same.

Commission-
ers to furnish
clerk of coun-
ty court with
the names re-
gistered.

Sec. 5. *And be it further enacted*, That it shall be the duty of the aforesaid commissioners to furnish the clerk of the county court of Jackson with a list of the names of such persons as may have enrolled themselves for the purposes therein named, and that it shall also be the duty of the clerk to grant a certificate to each person so enrolled, shewing that he is a member of said company, which certificate shall be evidence of the fact.

Approved, January 11, 1833.

[No. 85.]

AN ACT

Authorising Thomas Brown to enter a certain tract of Land therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Hodges, Dennis Lindsay and John Birdwell, or any two of them, be and they are hereby appointed to value the north half of the west half of the northeast quarter of section twenty six, of township seven and range six, west, and return the same to the land office at Courtland, at which valuation Thomas Brown, for the term of ninety days thereafter, shall have the right to purchase the same from the register of the land office at Courtland, and after that period any other person may enter said land at the like price, if the said land shall not be purchased by the said Thomas Brown: *Provided*, the said land never has

been valued: *And provided also*, that the said Thomas Brown was the legitimate occupant, according to law, at the time the commissioners commenced their duties as such.

Approved, January 11, 1833.

[No. 86.]

AN ACT

To incorporate the Claysville Independent Blues, of Jackson county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Capt. John O. Fenster, Lieutenant Josiah Armstrong, Cornet Curtis Herren and their successors in office, and the non-commissioned officers and privates composing the volunteer troop of infantry of Claysville, styled the Claysville Independent Blues, be and they are hereby declared to be a body politic and corporate, under the same rules and regulations, powers and restrictions, prescribed in an act to incorporate a volunteer corps of infantry in the city of Mobile, styled the Mobile Republican Greens, passed at the general assembly of this State, held in the year 1824: *Provided*, the same Blues shall not be exempt from working on roads, and attending battalion and regimental musters. Incorporation Style.

Approved, January 11, 1833.

[No. 87.]

AN ACT

For the relief of Samuel G. Cloud.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Samuel G. Cloud, the executor of Mary Jane Cloud, deceased, is hereby authorised to remove the property of his children, which has accrued to them in right of their mother, the said Mary Jane Cloud, into any State into which he shall remove, upon his furnishing to the judge of the county court of Monroe county, evidence that he has given bond as guardian or trustee of the said children, according to the laws of such State, into which he may remove, and making a full settlement with the said judge of the county court of Monroe county, the said judge shall discharge the sureties of the said Samuel G. Cloud to any bonds given in said county for said property or any part thereof: *Provided*, that nothing herein contained shall be so construed as to release the said Samuel G. Cloud or his securities from any default, neglect or liability incurred before giving bond and security in any other State, as provided for by this act.

Approved, January 11, 1833.

[No. 88.]

AN ACT

To incorporate Pendleton Academy, in the town of Coffeeville, county of Clarke.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That William Murrell, William Chapman, John P. Hill, Austin E. Ledyard, George B. Malone, Gross Scruggs, Abner Turner, Horace Williams, Joseph A. Huber and William M. Hewitt are hereby constituted, and their associates and successors, a body corporate, by the name and style of the Trustees of Pendleton Academy: and by that name shall have full power and authority to have and use a common seal, and the same to break, alter and renew at pleasure, to sue and be sued, plead and be impleaded in all kinds of actions, either in law or equity, to receive donations and make purchase of property, which shall enure to them Incorporation Style. Powers.

and their successors forever, and to sell, alien and dispose of the same, and to hold real and personal estate to the value of ten thousand dollars, and to pass all such by-laws, rules and regulations as the said corporation may deem expedient, the same not being repugnant to the constitution and laws of the United States or of this State: *Provided*, that this act may be altered, amended or repealed at the will of the general assembly of this State.

Quorum.

President and other officers to be chosen.

Academy located at Coffeeville.

Number of trustees

Vacancies.

Trustees to be commissioners of 16th section,

And report to county court.

Sec. 2. *And be it further enacted*, That five trustees shall constitute a quorum for the transaction of business, and a majority of the trustees shall have power to appoint a president, vice-president, secretary and treasurer, and such other officers as may be deemed necessary for said institution, and to prescribe the duties of each, and to appoint teachers as to them may seem expedient, define the rate of tuition, and the same to increase or diminish at pleasure. to make school laws, that shall be obligatory and binding for observance to the employers, teacher and scholars, to appoint the time of their own meetings, and to determine the place at which said academy shall be located, which shall be in the town of Coffeeville, in the county of Clarke. They shall have power to contract for and receive to them forever in their corporate name, a title in fee simple for any quantity of land not exceeding one quarter section, whereon to erect said academy.

Sec. 3. *And be it further enacted*, That the trustees of said academy may, and they are hereby authorised to associate with the present trustees any number of persons, so that the whole number of trustees shall not exceed fifteen, and the persons thus associated shall be entitled to all the rights and privileges of trustees of said academy.

Sec. 4. *And be it further enacted*, That vacancies which may occur in the board of trustees from any cause, shall be filled by a majority of the remaining trustees, and the trustees so appointed, shall have all the powers vested in trustees appointed by this act.

Sec. 5. *And be it further enacted*, That the trustees of said academy shall be commissioners of the sixteenth section, in township nine, range one, west, and may with the assent of a majority of all the legal voters of said township, to be ascertained by an election held under their direction, apply the proceeds of the rent of said sixteenth section to the use and benefit of said academy; but said trustees shall in all other respects be governed by the laws in force in relation to sixteenth sections.

Sec. 6. *And be it further enacted*, That the commissioners of the said sixteenth section, shall annually report to the judge of the county court and commissioners of roads and revenue, at the first court held after the first day of January in each and every year, the situation and disposition made of said sixteenth section, until the same shall be sold in pursuance of law.

Approved, January 11, 1833.

AN ACT

[No. 89.]

For the relief of the Sheriff of the County of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the sheriff of St. Clair county, to demand and receive

To have double fees for services in

for all services which he shall perform within the limits of the Cherokee Nation, over which said county has jurisdiction, double fees, which shall be taxed in all suits by the proper officer of the respective courts, in which such business shall originate, and collected in the manner now prescribed by law, except as to commissions.

Approved, January 12, 1833.

[No. 90.]

AN ACT

To Incorporate the Maplesville Light Horse Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That captain William Christian, lieutenant Hilson Brown, second lieutenant James Read, and their associates in said volunteer company of the county of Bibb, be, and they are hereby incorporated under the name and style of the Maplesville Light Horse, with power to pass such by-laws for the government of said company as may be deemed necessary: *Provided,* the said laws so passed shall not be contrary to the constitution and laws of this State.

Incorporation

Sec. 2. *And be it further enacted,* That any person within the limits of the twenty-first regiment, in said county, shall be authorised to become members of said company: *Provided* that no military company in the twenty-first regiment shall be reduced to a less number than forty privates.

Who may be members.

Approved, January 12, 1833.

[No. 91.]

AN ACT

To divide the First Regiment of Alabama Militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first regiment of Alabama militia, shall be and the same is hereby divided, and in future shall compose two regiments.

First regiment divided.

Sec. 2. *And be it further enacted,* That the lines dividing the first and second battalions of the first regiment of Alabama militia, shall be and the same are hereby made the dividing line between the first and sixty-third regiments of said militia, and the first battalion of the said first regiment, shall constitute and compose the sixty-third regiment of Alabama militia: *Provided,* that neither of the regiments shall consist of less than four hundred men.

Dividing line of first regiment formed.

Sec. 3. *And be it further enacted,* That the regiment hereby created, shall be organized in the manner now provided for by law.

Approved, January 12, 1833.

[No. 92.]

AN ACT

For the benefit of Richard Inge, executor of John J. Inge, deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Richard Inge, executor of the last will and testament of John J. Inge, deceased, be, and he is hereby authorised to make all his future returns and settlements as such executor, to and with the orphans' court of Greene county: *Provided,* that the said Richard Inge, shall first file in the office of the clerk of the said orphans' court of Greene county, a full and complete transcript of the record of all proceedings, which have taken

His accounts may be settled in Greene county.

Proviso.

Further proviso.

Costs to be paid by executor de bonis propriis.

place, or been had in relation to, or concerning the estate of the said John J. Inge, or to the proof or execution of his said will: *Provided, however,* that nothing herein contained, shall be so construed as to release any security that may have been given by said executor or otherwise, to impair the rights of any person interested in said estate.

Sec. 2. *And be it further enacted,* That the cost and expenses of procuring and filing the transcript of the record mentioned in the first section of this act, shall be paid by the said Richard Inge, out of his own proper funds, and he shall not be entitled to any allowance therefor.

Approved, January 12, 1833.

[No. 93.]

AN ACT

To amend the levying of an additional County Tax for the County of Pickens.

Extra tax in Pickens.

Limitation.

How to be appropriated.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners of revenue and roads for the county of Pickens, be, and they are hereby authorised to levy a county tax for the year eighteen hundred and thirty-three, in addition to the tax now authorised by law, which additional tax shall not exceed fifty per cent. upon the State tax for said year.

Sec. 2. *And be it further enacted,* That the said additional county tax when collected, shall be under the control of the commissioners aforesaid, for discharging the claims of William Morrison, for work done on the jail in said county; and that the balance, if any, shall be paid into the county treasury for general county purposes: *Provided, however,* that nothing in this act shall be so understood as to compel the commissioners of revenue and roads of Pickens county, to levy the tax in the first section of this act mentioned; but the same is hereby left entirely at their discretion.

Approved, January 12, 1833.

[No. 94.]

AN ACT

Making Appropriations for the Year Eighteen Hundred and Thirty-three.

For the annual salary of the Governor

Secretary of State, comptroller and treasurer.

Judges of Supreme and Circuit Courts.

Attorney Gen.

Solicitors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money, be, and the same are hereby appropriated to defray the expenses of the civil list, and other necessary charges on the government, namely: For the payment of the annual salary of the governor of this State, the sum of two thousand dollars; for the payment of the annual salaries of the secretary of State, Comptroller and treasurer, the sum of one thousand dollars each, making three thousand dollars; for the payment of the annual salaries of the judges of the supreme court, seventeen hundred and fifty dollars each, making five thousand two hundred and fifty dollars; for the payment of the annual salaries of the judges of the third, fourth, sixth and seventh circuits, seventeen hundred and fifty dollars each, making seven thousand dollars; for the payment of the annual salaries of the judges of the first, second, fifth and eighth circuits, fifteen hundred dollars each, making six thousand dollars; for the payment of the annual salary of the attorney general, four hundred and twenty-five dollars; for the payment of the annual salary of the solicitor of the first judicial circuit, three hundred and fifty dollars; for the payment of the annual salaries of the solicitors of

the second, fourth, fifth, sixth, seventh and eighth judicial circuits, two hundred and fifty dollars each, making the sum of fifteen hundred dollars; for the payment of the annual salary of the quarter master general, the sum of two hundred dollars: for the payment of the secretary of the Senate, and the principal clerk of the house of representatives, each seven dollars per day; for the payment of the assistant secretary of the senate, and the assistant and engrossing clerks of the house of representatives, each five dollars per day; for the payment of the door-keepers of the senate and house of representatives, each the sum of four dollars per day; for the payment of the messenger of the house of representatives, the sum of four dollars per day, to be paid out of any money in the treasury not otherwise appropriated.

Quarter Master General.
Secretary of the Senate.
Clerk of H. R.
Assistant clerks.

Door-keeper.

Messenger.

Sec. 2. *And be it further enacted*, That the sum of one hundred and fifty dollars, be, and the same is hereby appropriated for the payment of the secretary of the senate, for completing the journal and arranging the papers of the senate of the called and annual session; and the sum of one hundred and fifty dollars, be, and the same is hereby appropriated for the payment of the clerk of the house of representatives, for completing the journal and arranging the papers of the house of representatives, of the called and annual session.

Secretary of Senate and Clerk of H. R.

Sec. 3. *And be it further enacted*, That the sum of three hundred and twenty-five dollars, be, and the same is hereby appropriated for the payment of the secretary of state, for copying and making an index to the laws, for copying the journals of each house of the general assembly for the present and called session, preparing the whole for the press, and superintending the printing thereof.

Secretary of State.

Sec. 4. *And be it further enacted*, That the sum of two hundred and fifty dollars be, and the same is hereby appropriated to the comptroller of public accounts, as payment of clerk hire in his office for the past year.

Comptroller.

Sec. 5. *And be it further enacted*, That the sum of two thousand five hundred dollars, be, and the same is hereby appropriated to the payment of the annual salary of the State printers for the present year.

State printer.

Sec. 6. *And be it further enacted*, That the sum of one thousand dollars, be, and the same is hereby appropriated, and set aside as a contingent fund.

Contingent fund.

Approved, January 12, 1833.

[No. 95.]

AN ACT

Making appropriations for the payment of certain Claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money, be and the same are hereby appropriated for the payment of certain individuals herein named, for furnishing provisions for persons confined in the jails of their respective counties, and for removing prisoners by order of court, to wit: To James Savage, jailor of Clarke county, twenty dollars and eighty cents; to David Griffin, jailor of Pickens county, four dollars and eighty cents; to M. H. M'Henry, sheriff of Shelby county, one hundred and twelve dollars twelve and a half cents; to Smith Young, jailor of Shelby county, ten dollars and forty cents; to Green D. Callier, jailor of Washing-

Appropriations for

J. Savage.

D. Griffin.

M. H. M'Henry.

S. Young.

G. Callier.

ton county, two hundred and eight dollars; to Mark Meeks, sheriff of Fayette county, sixty four dollars; to George L. Medlock, sheriff of Monroe county, two hundred and eighty dollars and seventy cents; to William R. Hunt, jailor, for John R. H. Acklin, sheriff of Madison county, three hundred and thirty dollars; to Edward Ellis, jailor of Montgomery county, fifty one dollars and sixty cents; to Joseph Bates, sheriff of Mobile county, two hundred and ninety seven dollars and eighty cents; to H. A. Hubbell, jailor of Montgomery county, two hundred and thirty five dollars and eighty cents; to Joshua W. Hooper, jailor of St. Clair county, ten dollars and forty cents; to Burwell Green, sheriff of St. Clair county, seventy one dollars and twenty cents; to James Odell, jailor of Limestone county, one hundred and sixty dollars and forty cents; to M. F. Rainey, sheriff of Greene county, two hundred and fifty eight dollars and twenty cents; to David Ballew, sheriff of Morgan county, sixty two dollars and forty cents; to William Y. Glover, sheriff of Tuscaloosa county, seven dollars and twenty cents; to Caleb Murphree, sheriff of Blount county, fourteen dollars and fifty cents; to Matthew Roberts, sheriff of Lawrence county, three hundred and eighty three dollars and ten cents; to Daniel Lucas, sheriff of Jackson county, one hundred and forty four dollars and eighty cents; to Martha M. Cox, executrix of W. H. Cox, deceased, former jailor of Autauga county, seventy four dollars and forty cents; to Edmund Shackelford, sheriff of Autauga county, thirteen dollars and fifty cents; to Thomas Adams, sheriff of Marengo county, fifty six dollars; to John Gellis, jailor of Conecuh county, forty two dollars and forty cents; to Asa Adams, jailor of Jefferson county, sixty three dollars and sixty cents; to Eli Nelson Briggs, former sheriff of Covington county, eleven dollars and twenty cents; to Alfred Adams, jailor of Dallas county, fifty three dollars and sixty cents; to Samuel B. Patton, jailor of Walker county, three dollars and twenty cents; to Lewis Edwards, jailor of Lauderdale county, forty nine dollars and twenty cents; to Martin Harkins, sheriff of Lauderdale county, one hundred and thirteen dollars and sixty cents; to Benjamin Dorman, late sheriff of Greene county, fifty two dollars and forty cents; to George Keller, jailor of Marengo county, twenty five dollars and fifty cents; to James Wilkens, sheriff of Baldwin county, thirty seven dollars and twenty cents; to Harrell Hobdy, sheriff of Pike county, one hundred and fourteen dollars and sixty cents; to Henry White, sheriff of Pickens county, six dollars and eighty cents.

Appropriations to persons making returns of elections of Pres. & V. P. of the U. S. &c. to D. Ballew. J. M. Hill. C. Lewis. D. B. Turner. B. Green. C. Murphree. S. Aycock.

Sec. 2. *And be it further enacted*, That the following sums of money, be and they are hereby appropriated to certain persons herein named, for making returns of elections of president and vice president of the United States and for members to congress, to wit: To David Ballew, sheriff of Morgan county, thirty three dollars and fifty cents; to Jonathan M. Hill, sheriff of Wilcox county, twenty one dollars and twenty five cents; to Charles Lewis, returning officer from Jackson county, thirty dollars and fifty cents; to Daniel B. Turner, returning officer from Madison county, thirty dollars and fifty cents; to Burwell Green, sheriff of St. Clair county, twenty dollars; to Caleb Murphree, sheriff of Blount county, twenty two dollars; to Seaborn Aycock, sheriff

of Perry county, nine dollars; to C. C. Thompson, returning officer from Fayette county, nine dollars; to Matthew F. Rainey, sheriff of Greene county, eighteen dollars; to Abel H. Dubois, sheriff of Clarke county, twenty six dollars; to Joseph Bates, jr. sheriff of Mobile county, forty five dollars and fifty cents; to Frederick Blount, sheriff of Washington county, thirty dollars and fifty cents; to William A. Scott, sheriff of Jefferson county, fifteen dollars; to Thomas Adams, sheriff of Marengo county, thirty dollars; to J. Davis, returning officer from Franklin county, twenty two dollars; to Job Staton, late sheriff of Blount county, twenty one dollars; to David Curry, sheriff of Marengo county, fourteen dollars; to Benjamin F. Roper, sheriff of Pickens county, nine dollars.

Sec. 3. *And be it further enacted*, That the following sums of money, be and the same are hereby appropriated for the payment of persons herein named, for prosecuting slaves, to wit: To Burr W. Wilson, ten dollars; to Henry C. Lea, ten dollars; to Samuel B. Moore, ten dollars; to Argyle Campbell, twenty dollars.

Sec. 4. *And be it further enacted*, That the sum of fifty dollars, be and the same is hereby appropriated to Thomas White for apprehending and prosecuting to conviction, John Franklin, for horse stealing; and that the further sum of fifty dollars, be and the same is hereby appropriated to Samuel Elliott for apprehending and prosecuting to conviction, James Armstrong, for horse stealing.

Sec. 5. *And be it further enacted*, That the sum of three hundred and three dollars and fifty cents, be and the same is hereby appropriated to William Y. Glover, sheriff of Tuscaloosa county, for attending on the supreme court, and for stationary furnished the same, at the January and June terms of said court, in the year 1832; and that the sum of sixty four dollars and sixty two cents, be and the same is hereby appropriated to Elias Jenkins, late sheriff of Tuscaloosa county, for attending on the supreme court, and for stationary furnished the same at the July term 1831.

Sec. 6. *And be it further enacted*, That the sum of two hundred and sixty two dollars and fifty cents, be and the same is hereby appropriated for the payment of the representatives of William Marks, deceased, the proprietors of slave Horbert, convicted and executed for murder; and that the sum of two hundred and thirty seven dollars and fifty cents, be and the same is hereby appropriated for the payment of James Jackson and Elisha Meredith, assignees of William O. Perkins, the owners of slave Solomon, convicted and executed for murder.

Sec. 7. *And be it further enacted*, That the sum of one hundred and fifteen dollars be appropriated to Samuel G. Swift, for reviewing, inspecting and making out returns of the ninth brigade, Alabama militia; to Charles Lewin, for house rent for the State arsenal, 1832, one hundred and twenty five dollars; to James Rather for taking care of the State capitol, washing the rooms, &c. ninety five dollars; to Solomon Perteet for work done on the State capitol, thirty nine dollars and fifty cents; to Jacinth H. Bryant for making a return of an election for major general, second division of Alabama militia, ten dollars and twenty five

C. C. Thompson.
M. F. Rainey.
A. H. Dubois.
J. Bates, jr.

F. Blount.

W. A. Scott.

T. Adams.

J. Davis.

J. Staton.

D. Curry.

B. F. Roper.

Appropriations to

B. W. Wilson.

H. C. Lea.

S. B. Moore.

A. Campbell.

Appropriation to

T. White.

S. Elliott.

Appropriation to

W. Y. Glover.

E. Jenkins.

Appropriation to

Rep's. of W. Marks, dec'd.

Assignees of W. O. Perkins

Appropriation to

S. G. Swift.

C. Lewin.

J. Rather.

S. Perteet.

H. J. H. Bryant.

cents; to Henry A. Hubbell, jailor of Montgomery county, for the apprehension and delivery of Littleton Prince, fifty dollars; to Robert M'Henry, for services as a guard, &c. twenty four dollars and fifty cents; to A. Baird, for work done on the State capitol, three dollars.

Appropriation to

Sec. 8. *And be it further enacted*, That the sum of four dollars and forty six cents, be appropriated for the payment of James H. Adams, tax collector of Marengo county; and that the further sum of twelve dollars and seventy one cents, be appropriated for the payment of Joseph Raspberry, of Greene county.

Appropriation to

Sec. 4. *And be it further enacted*, That the sum of ten dollars be appropriated to Able H. Dubois, for executing slave Horbert; to J. J. Foster for stationary, &c. sixty eight dollars and ten cents; to J. O. Cummins, eight dollars and ninety four cents; to James Hogan & Co. fifty two dollars and sixty eight cents.

Appropriation to

Sec. 10. *And be it further enacted*, That the sum of sixteen dollars be allowed to Kelley and Donoho, for making a case of drawers for the office of the clerk of the supreme court, twenty eight dollars and fifty cents; to D. Woodruff, for three record books for the supreme court, and three dollars to B. F. Randolph for repairs done to the capitol.

Appropriation to

Sec. 11. *And be it further enacted*, That the following sums of money, be and the same are hereby appropriated to the persons herein after mentioned, for stationary, &c. furnished the legislature, viz: To Richards & M'Cown, seventeen dollars; to Nathan Hughes, sixty four dollars and ninety five cents; to Henry A. Snow, Snow & Co. eighty dollars and eighty five cents; to D. Woodruff, two hundred and forty eight dollars twelve and a half cents; to Augustin Lynch, eighteen dollars and seventy five cents; to A. Pfister, one dollar and fifty cents; to Sims & Scott, six dollars eighty seven cents; to Andrews & Brothers, eighty two dollars and nine cents; to John Roberts, one hundred and eight dollars.

Sec. 12. *And be it further enacted*, That the sum of two hundred and seventy four dollars, be appropriated to E. Walker, for printing done during the present session of the legislature; to John Tatom, thirty one dollars for servant hire; to H. Perkins, sixty nine dollars for wood furnished for the State house; to John Beckham, deputy sheriff of Clarke county, nineteen dollars and fifty cents, for conveying John G. Moss, a State prisoner, from Clarksville in Clarke county, to Linden in Marengo county; to William Y. Glover, sheriff of Tuscaloosa county, thirty three dollars and twenty five cents, for stationary furnished the supreme court.

Sec. 13. *And be it further enacted*, That the sum of fifteen dollars be appropriated to James Rather, for making the carpet for the floor of the Senate chamber.

Sec. 14. *And be it further enacted*, That the sum of thirty three dollars and seventy five cents, be and is hereby appropriated to John Brown, (doorkeeper,) for servant hire during the present session.

Sec. 15. *And be it further enacted*, That the following sums be appropriated to persons hereinafter mentioned, for stationary furnished the Senate during the present session, to wit: To Henry A. Snow, twelve dollars and fifty cents; to Nathan Hughes, fifty one dollars; to Andrews & Brothers, sixty dollars and seventy

H. A. Snow.
N. Hughes.
Andrews & Brothers.

Richards & M'Cown.
N. Hughes.
H. A. Snow, & Co.
D. Woodruff.
A. Lynch.
A. Pfister.
Sims & Scott.
Andrews & Brothers.
J. Roberts.

E. Walker.

John Tatom.
H. Perkins.

J. Beckham.

W. Y. Glover

James Rather

John Brown.

six cents; to D. Woodruff, thirty dollars and fifty cents; to J. H. Dearing & Co. fifteen dollars.

D. Woodruff.
J. H. Dearing
& Co.

Sec. 16. *And be it further enacted*, That the sum of forty dollars and seventy five cents, be and the same is hereby appropriated to the payment of Augustus Lynch, for work done agreeable to the order of the Senate.

A. Lynch.

Sec. 17. *And be it further enacted*, That the sum of fifty dollars, be and the same is hereby appropriated to payment of Francis Bugby, for services performed as attorney general at the fall term of the circuit court of St. Clair county in 1832, under the order of the court.

F. Bugby.

Sec 18. *And be it further enacted*, That a sum not exceeding seventy five dollars, be and the same is hereby appropriated to purchase a carpet and window curtains for the supreme court room; and the comptroller is hereby authorised to issue his warrant for such sum as may be necessary for that purpose, in favor of the commissioners of the public buildings, not to exceed seventy five dollars; and the sum of fifty dollars is hereby appropriated to compensate David Ricketts for apprehending and delivering to the jailor of Jackson county, William Brazille, charged with the murder of James Calleson.

For purchasing a carpet and window curtains for sup. court room.

D. Ricketts.

Sec. 19. *And be it further enacted*, That the sum of thirty dollars be appropriated to the payment of James Abercrombie and John Rugely. each, for attending as witnesses at Tuscaloosa against Mosely Baker, a State prisoner; also the sum of ten dollars to James Thompson for copy of reports for examining Bank committee.

J. Abercrombie and J. Rugely.

J. Thompson.

Approved, January 12, 1833.

[No. 96.]

AN ACT

To emancipate certain Slaves therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Robinson, a free man of colour, of the county of Madison, be, and he is hereby authorised to emancipate and set free from slavery, his two sons, William and John Robinson, saving however the rights of creditors, and upon condition, that the said John Robinson enter into bond, with good and sufficient security, in the sum of five hundred dollars, to be approved by the judge of the county court of Madison county, that said slaves shall never become a public charge to any county, city, or town in this State: *Provided*, the persons herein emancipated, leave this State at the age of twenty-one years, never to return to reside therein.

W. & J. Robinson emancipated.

Proviso.

Approved, January 12, 1833.

[No. 97.]

AN ACT

Organizing the Fourteenth Regiment of Alabama Militia, in the County of Blount.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the fourteenth regiment of the militia of this State, shall consist of three battalions: The first battalion shall be commanded by a lieutenant colonel; and the second and third battalions shall each be commanded by a major.

14th regiment to consist of three battalions.

Sec. 2. *And be it further enacted*, That the field officers now in command in the regiment aforesaid, shall retain their offices; and the bounds of the respective company beats, shall be designa-

Field officers to retain their command.

ted, altered or amended according to the existing militia laws of this State.

Vacancies.

Sec. 3. *And be it further enacted*, That whenever there may be a vacancy for a major in the second or third battalion, the colonel commandant, or officer commanding said regiment, shall cause an election to be held to fill said offices, according to the rules prescribed by the existing laws,

Colonel to order Court martial.

Sec. 4. *And be it further enacted*, That the colonel commandant of the aforesaid regiment, shall order a regimental court martial as soon as practicable for the purpose of carrying this act into effect.

Approved, January 12, 1833.

[No. 98.]

AN ACT

For the relief of a certain person therein named.

Naomi Acker from her husband.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity with the decree of the circuit court of Butler county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Naomi Acker and her husband — Acker, be dissolved, and that the said Naomi Acker, be henceforth divorced from her said husband.

Approved, January 12, 1833.

[No. 99.]

AN ACT

For the relief of Robert J. Ware.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Robert J. Ware, be, and he is hereby allowed the privilege of erecting a gate on the road leading from Buck's bridge to his ferry on the Tallapoosa river; also on the road from the falls of the Coosa to the same ferry: *Provided*, the same be kept in a good condition for the easy passage of all persons: *And provided, also*, that no toll shall be charged at any time.

Approved, January 12, 1833.

[No. 100.]

AN ACT

For the relief of O. J. Williams.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of four hundred and five dollars forty cents, be and the same is hereby appropriated to the payment of O. J. Williams, for conveying in pursuance of an order from his excellency the governor of the State of Alabama, from Savanna in the State of Georgia, to Pike county in the State of Alabama, Littleton Prince, charged with slave stealing.

Approved, January 12, 1833.

[No. 101.]

AN ACT

To authorise the establishment of a Ferry on the Tombeckbee River.

R. Prince to establish ferry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Richard Prince, of the county of Sumpter, be, and he is hereby authorised to establish a ferry on the Tombeckbee river, between the mouth of Caney creek and the mouth of Daniel's creek: *Provided, however*, that the said Richard Prince, shall first enter into bond, with good and sufficient security, in the sum of one thousand dollars, payable to the judge of the coun-

To give bond.

ty court of Sumpter county, and his successors in office, conditioned that the said Richard Prince will constantly provide and keep good and sufficient boats; also, that he will keep the banks on each side of the river in good repair, and that he will have said ferry well attended for travellers and other persons to carry or pass their horses, carriages or effects over said river; which bond may be taken by the said judge himself, so soon as he shall be elected and qualified.

Sec. 2. *And be it further enacted*, That the said Richard Prince shall be entitled to demand and receive the following ferriages for crossing said ferry and no more, to wit: For each and every four wheeled pleasure carriage, fifty cents; for each two wheeled pleasure carriage, ox, or horse cart, twenty-five cents; for man and horse, twelve and a half cents; for led or loose horse, six and a quarter cents; for every foot passenger, six and a quarter cents; for every head of cattle, three cents; each head of sheep, or goats, &c., two cents; for each head of hogs, one cent; for each wagon and team, fifty cents.

Approved, January 12, 1833.

[No. 102.]

AN ACT

To authorise Matthias Richardson to relinquish Lot No. 11, to the Commissioners of the Sixteenth Sections, of Township One, and Range Eight West.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Matthias Richardson, be, and he is hereby authorised to relinquish to the commissioners of the sixteenth section, in township one, range eight west, lot No. 11, in the village of Lexington: *Provided*, the said commissioners shall not be required to refund to said Richardson any money which they have heretofore received in payment of said lot.

Approved, January 12, 1833.

[No. 103.]

AN ACT

To authorise the Commissioners of the Sixteenth Section, Fourth Township, Tenth Range West, to sell any part of said Section.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners of the sixteenth section, fourth township, and tenth range west, be authorised to sell any part of said section in any size lots that they may think advisable by complying with the requisitions of the former law, authorising the sale of the sixteenth sections; said commissioners shall when it appears to them advisable, hold an election for the sale of such part or lots as they may designate in their advertisement; and in case a majority of all voting at said election, should be in favor of a sale of such lots or parts as designated by said commissioners, then said commissioners are authorised to sell such lots or parts of said section, the commissioners complying in all respects with the law authorising the sale of the sixteenth sections.

Commissioners of the 16th sections T. 4 R. 10 west to sell any part thereof.

Approved, January 12, 1833.

[No. 104.]

AN ACT

To keep open the Road leading from Childress' old place to Old Town on the Black Warrior.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the road leading from Childress' old place to old Gate to be free until &c.

town on the Black Warrior, crossing Stout's turnpike road at the place where the gate is now erected on said turnpike road, be and the same is hereby authorised to be kept open.

Sec. 2. *And be it further enacted*, That all persons, wagons, carts, carriages and horsemen, crossing said turnpike on the above recited road, be and they are hereby authorised to pass through said gate free of toll, until a road is or may be opened at some convenient point on said road, leading from Childress' old place to the old town on the Warrior, passing round said gate and again uniting with said road, passing round Stagg's field and meeting said road west of Stout's turnpike.

Sec. 3. *And be it further enacted*, That all persons passing said road shall be permitted to pass round said gate free from any penalty, until said road is opened around Stagg's field, any law to the contrary notwithstanding. Approved, January 12, 1833.

[No. 105.]

AN ACT

To Compensate Patrols for their services, in the county of Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, each and every leader of a patrol detachment in the county of Madison, shall be authorised and required immediately after his term of service shall expire, to make a true return on oath, to the judge of the county court of Madison county, or the clerk thereof, of the time he or they may have served as patrols.

Leader to
make return
to co. court.

Compensa-
tion.

Sec. 2. *And be it further enacted*, That each of said patrols including the leader thereof, shall by order of the judge of the county court of said county, receive out of the county treasury, one dollar for each and every twelve hours he or they may serve.

County court
to levy a pat-
rol tax.

Sec. 3. *And be it further enacted*, That it shall be the duty of the judge of the county court of Madison county and commissioners of roads and revenue of said county, to levy a county tax annually, to defray the expenses incurred by the second section of this act.

Approved, January 12, 1833.

[No. 106.]

AN ACT

To repeal an act allowing two Constables to beat numbered six, in the seventeenth Regiment Alabama Militia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter there shall not be elected more than one constable for beat number six, in the seventeenth regiment Alabama militia.

Sec. 2. *And be it further enacted*, That all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Approved, January 12, 1833.

[No. 107.]

AN ACT

To Divorce certain Persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in conformity with the decree of the circuit court of Dallas county, exercising chancery jurisdiction, that the bonds of matrimony heretofore solemnised between Thomas C. Christian and Jane B. Christain be dissolved; and that the said Thomas

T. C. Chris-
tian from J.
B. Christian.

from the said Jane B. and the said Jane B. from the said Thomas C. be divorced.

Sec. 2. *And be it further enacted*, That in conformity with the decree of the circuit court of Dallas county, exercising chancery jurisdiction, the bonds of matrimony heretofore solemnised between James P. Smith and Welley Smith be dissolved; and that the said James P. Smith be divorced from the said Willey Smith.

Approved, January 12, 1833.

[No. 168.]

AN ACT

To declare certain Water Courses in Talladega County, Public Highways.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Talladega creek, from its mouth to the mouth of Jumper's Spring Branch, and Chocklocka creek from its mouth to David Conner's are hereby declared public highways.

Names of streams.

Sec. 2. *And be it further enacted*, That if any person or persons shall obstruct the navigation of said creeks, by building mill dams, fish traps, or in any other way, such person or persons shall forfeit and pay the sum of one thousand dollars, one half to the State, and the other half to any person who may sue for the same, recoverable before any court of law having jurisdiction of the same, and shall also forfeit and pay all damages which any person or persons may sustain by reason of such obstructions, recoverable in like manner; and all such obstructions may be removed by order of the county or circuit courts of said county, as a public nuisance.

Penalty for obstructed & how collected

Approved, January 12, 1833.

[No. 169.]

AN ACT

To authorise the laying out and opening a certain road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Henry V. Chamberlain, Nathaniel F. Williams, William Austin, Henry Center and Lewis Judson, or a majority of them, be, and the same are hereby authorised, to lay out and open a certain road, from the residence of Jacob Collins, on the Chickasawha road, to Spring Hill, in the county of Mobile, in as direct a manner as practicable, the same to run over the ground best calculated for such purposes.

Authority to open road, to whom granted.

Route to Springhill.

Sec. 2. *And be it further enacted*, That the persons aforesaid, or a majority of them, who may thus lay out the said road, shall as soon as may be convenient, return to the commissioners of roads and revenue, of the said county of Mobile, a plat of the said road, with the courses and distances, which said plat shall be recorded in the office of the said commissioners of roads and revenue, and the said road shall by them be declared a public highway.

Commissioners to return plat of road.

Approved, January 12, 1833.

[No. 110.]

AN ACT

To provide for the transmission of certain Acts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the governor be and he is hereby authorised and required forthwith to have prepared and cause to be sent to the judges of the county courts of the several counties of this State,

Governor to have sent to the judges of the new counties, the sev-

eral acts or-
ganising said
counties.
Judges duty.

established at the present session of the general assembly, copies of the several acts establishing and organising said counties.

Sec. 2. *And be it further enacted*, That it shall be the duty of said judges, to cause the copies so transmitted to them, to be laid before the commissioners appointed to locate the seats of justice in said counties, as soon as convenient after received.

Approved, January 12, 1833.

[No. 111.]

AN ACT

For the relief of Memorable W. Creagh, Chester Root, Wm. Taylor, John Coffee, William R. King and John C. Perry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all cases where it may be necessary for Memorable W. Creagh, Chester Root, Wm. Taylor, John Coffee, William R. King and John C. Perry, to take or subscribe the oath or oaths contemplated by the laws of this State against duelling, that the same be confined in point of time, to the first day of January, in the year of our Lord, one thousand eight hundred and thirty two.

Approved, January 12, 1833.

[No. 112.]

AN ACT

To Incorporate the Merchants' Insurance Company of Mobile.

Style of cor-
poration.

Powers.

Capital stock
limited to five
hundred thou-
sand dollars.
Shares \$100.
How paid.

Provide as to
securing pay-
ments.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be established in the city of Mobile, a company for the purpose of transacting the business of marine, inland and general insurance, which company shall be called and known by the name of the Merchants' Insurance company of the city of Mobile; and all such persons as shall be stockholders of the said company, and their successors, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answer and being answered unto, defending and being defended in all courts and places whatsoever in all manner of actions, suits, complaints, matters and causes whatever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also they and their successors, by the name and style and title of The Merchants' Insurance Company at the City of Mobile, shall be in law capable of purchasing, holding and conveying all kinds of estate, whether real or personal, for the use of said corporation, subject to the restrictions hereinafter mentioned; that the capital stock of said corporation, shall not exceed five hundred thousand dollars, divided out in five thousand shares of one hundred dollars each; twenty dollars in the hundred to be paid at the time of subscribing, and the remainder by such instalments as the directors shall appoint: *Provided, however*, that the first board of directors to be chosen as hereinafter directed, shall within one month after their appointment, take good and satisfactory security, to consist either in bank, or other stock, at two-thirds of the value thereof in the market, or deeds of trust on real estate within the city of Mobile, at not exceeding two-thirds of its cash value, exclusive of buildings, unless the same be insured for the payment of the said remaining amount of stock unpaid at the time of subscribing as aforesaid, whenever it shall be deemed expedient to call for the same.

Sec. 2. *And be it further enacted*, That it shall be lawful for the president and directors of said company, or a majority of them, to alter and change the securities to be taken as aforesaid, from time to time for the securities of the same nature as they may deem expedient.

Board to alter or change security as need be.

Sec. 3. *And be it further enacted*, That subscriptions shall be opened for the said shares on the first Monday of March next in the city of Mobile, under the superintendence of Andrew Armstrong, Joshua B. Leavens, William Jones, jr. Nathaniel F. Williams, James A. Torbert, James Campbell, Charles Irby, George S. Gaines, Adolphus Batre, Charles Barney, Charles C. Hazzard, Joseph E. Sheffield, Archibald W. Gordon, Franklin Robinson, John Wood, George M. Rives, or any four of them; which said subscription shall continue open until the sum of two hundred and fifty thousand dollars be subscribed, but no share or shares shall entitle the holder to vote at any election, unless the same shall have been held *bona fide* by him or her at least fifteen days next immediately before such election.

Subscriptions opened, when. Under superintendence.

Subscriptions regulated.

Who may vote.

Sec. 4. *And be it further enacted*, That there shall be chosen thirteen directors who shall hold their office for one year, and until their successors be duly qualified; which directors at the time of their election, and during their continuance in office, shall be holders in their own right of at least ten shares, and shall be elected annually after the first election, at the office of said company, or any other convenient place in the city of Mobile, and at such time of the day as the president of the company shall appoint; of which election, notice shall be given in a newspaper published in the city of Mobile, at least seven days next before said election; and such election shall be by ballot, and in person or by proxy; and each stockholder shall be entitled for every share to one vote; and that if no election take place on any such day, the president may order the same from time to time, until an election be effected: *Provided*, the same be done within sixty days thereafter.

Directors term of service.

Qualifications

Elections how regulated, &c

Sec. 5. *And be it further enacted*, That the directors of said company in the first instance shall be chosen in the following manner, to wit: As soon as two hundred and fifty thousand dollars shall be subscribed, the said Andrew Armstrong, John B. Leavens, William Jones, jr. Nathaniel F. Williams, James A. Torbert, James Campbell, Charles Irby, George S. Gaines, Adolphus Batre, Charles Barney, Charles C. Hazzard, Joseph E. Sheffield, Archibald W. Gordon, Franklin Robinson, John Wood and George M. Rives, before named, shall appoint a place within the said city of Mobile, for proceeding to the election of said thirteen directors, and shall give at least seven days notice of the same in a newspaper printed in the said city, and it shall be lawful for said election to be then and there holden by the subscribing stockholders, by ballot, under the before mentioned persons, or a majority of them, and the persons then and there chosen, shall be the first directors, and shall serve for one year, and until their successors be qualified: that they shall meet as soon as convenient after their election, and choose out of their own body, a president, who shall serve until another board by election be qualified; and in case of vacancy, the directors shall choose another of their body in like manner.

Directors of company how chosen in 1st instance.

To serve one year.

Power to
make by-laws

Proviso.

How insur-
ance may be
made.

Obligatory
with seal of
corporation.

Shall hold
two stated
meetings
yearly and
make divi-
dends.

Under what
circumstanc-
es to hold re-
al property.

None shall be
held except,
&c.

Longer than
five years.

Limitation of
its powers.

No insurance
made until &c

Stock forfeit-
ed in certain
cases.

Restriction of
subscriptions,

And of taxes.

Contracts for
payment of
money, how

Sec. 6. *And be it further enacted,* That the directors, or a majority or them, shall have power to make, prescribe and alter such by-laws, rules and regulations, as to them shall appear needful and proper, and for the management and disposition of its stock, property, estate and effects: *Provided,* they shall not be repugnant to the constitution and laws of this State.

Sec. 7. *And be it further enacted,* That the president and two directors, or three directors in the absence of the president, shall have full power and authority on behalf of the corporation, to make general insurance upon vessels, buildings, freights, money, and on all goods, wares and merchandise, and to fix premiums for the same; also to transact all such matters as appertain to an insurance company: and all policies by them made, shall be subscribed by the president, or two directors, and countersigned by the secretary, shall be binding and obligatory upon the said corporation in like manner and with like force and effect as if under the seal of the said corporation.

Sec. 8. *And be it further enacted,* That there shall be two general stated meetings of the directors, in every year, at which times they shall examine the accounts, and make a dividend of such of the gains, as a majority of them may deem proper and advisable.

Sec. 9. *And be it further enacted,* That the lands, tenements and hereditaments, and goods and chattels, which it shall be lawful for the said corporation to hold, shall be such as may be requisite for its accommodation in its business, and such as may be *bona fide* mortgaged, to said corporation, by way of security, and which may be conveyed to it in discharge of debts due said corporation, and which may be bought at sales, on judgments or decrees in favour of said corporation: *Provided,* that the said corporation shall not hold lands, tenements, hereditaments or goods, and chattels, other than those which may be necessary for the accommodation of said incorporation, longer than they can conveniently dispose of the same, which shall in no event exceed five years.

Sec. 10. *And be it further enacted,* That said corporation shall not deal in any goods, wares or merchandise whatever, nor shall it have or exercise banking privileges.

Sec. 11. *And be it further enacted,* That no insurance shall be made until the securities, provided for by this act, shall have been given; and if within sixty days after subscribing any stockholder shall neglect to furnish the said security for the stock remaining on each share, he shall forfeit his first payment.

Sec. 12. *And be it further enacted,* That the first day on which the subscription shall be opened, no person shall be permitted in his own right to subscribe for more than fifty shares of stock

Sec. 13. *And be it further enacted,* That no tax shall be levied on the stock or gains of said corporation, higher than is now or hereafter may be levied on the stocks or gains of similar institutions of the State.

Sec. 14. *And be it further enacted,* That all contracts for the payment of money by the said corporation, shall be under the seal of the same, and shall be taken to operate as specialities at law.

Sec. 15. *And be it further enacted*, That this act shall continue to be in force, for and during thirty years from the day on which it may be approved by his excellency, the governor: *Provided*, that if any tax be levied in manner aforesaid, be refused to be paid, the said corporation shall forfeit its charter; and each director who may have voted for such refusal, shall be individually responsible for the same.

Approved, January 2, 1833.

Corporation
to exist for 30
years.
Provided, &c.

[No. 70.]

AN ACT

To Adopt, Print, Bind and Distribute the new Digest compiled by John G. Aikin, Esq. and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the digest of the statute laws of this State made by John G. Aikin, be, and the same is hereby established, and that all laws of a general and public nature passed previous to the present or late called session of the legislature, and not included in the said digest, (except the laws relating to county boundaries,) be, and the same are hereby repealed from and after the first day of January next.

Aikin's digest
established.

Sec. 2. *And be it further enacted*, That the governor of the State is hereby required to receive proposals until the first day of March next, for the printing and binding of said digest, at the expiration of which time, he shall make a contract with some suitable person to print, bind and deliver the same, provided he be the lowest bidder, and good security be tendered for the faithful performance of said work; and the governor on the making of such contract, shall take from the person, with whom the same shall be made, a bond with sufficient security, for such sum as may be agreed upon payable to the governor, and his successors in office, conditioned for the faithful printing, binding and delivery of said digest, in the manner, at the time agreed upon: And after the delivery of the said digest, the governor is hereby authorised to draw his warrant, upon the comptroller, for the amount that shall have been agreed to be paid for the same, in favor of the person with whom the contract was made, if he shall be satisfied with the execution of the work.

Governor to
receive pro-
posals for
printing and
binding.

Bond requir-
ed.

Compensa-
tion.

Sec. 3. *And be it further enacted*, That the said John G. Aikin, be, and he is hereby authorised to superintend the printing of the said digest, to examine the proof sheets, and see that the work be correctly printed according to the arrangement and plan of the digester; and he is hereby appointed and required to make a complete index to the said digest, and shall digest all the acts of a public and general nature of the late called session, and of the present session of the legislature, according to the plan of the new digest, and cause them to be inserted under their appropriate heads; and in case of the death of the said John G. Aikin, or his inability or refusal to act, the governor of the State is hereby required to appoint some suitable person or persons to perform the duties above required.

J. G. Aikin to
superintend
printing.

To make in-
dex.

Sec. 4. *And be it further enacted*, That there shall be printed and bound three thousand copies of the digest of the laws of this State; which, when completed, shall be disposed of and distributed in the manner following, to wit: After reserving fifty copies in the office of the secretary of State for the use of the

3000 copies to
be printed.

How disposed
of.

Price of dig-
gest.

Certain acts,
the State and
Federal con-
stitutions and
Declaration of
Independence
to be printed.

Appropriation
to J. G.
Aikin, Esq.

members of the general assembly, to the secretary of State of the United States, four copies; to the executive of each of the States of the Union, one copy; to the governor of this State, the comptroller, treasurer, secretary of State, each of the judges of the supreme, circuit and county courts, one copy; to each of the clerks of the circuit and county courts one copy; to be kept by them for the use of their respective courts in their respective counties; to the attorney general, and each of the solicitors of the State, one copy; to each justice of the peace, one copy, who shall receive the same upon application to the clerk of the county court in which he resides, and shall execute and deposit with the clerk aforesaid, his receipt, that at the expiration of his term of service, or at the time he shall cease to exercise the duties of his office, he will return the same to the clerk of the county court, which receipt shall be filed in the office of the clerk of the county court of his county; the residue of the said copies shall be sold at the price of two dollars and fifty cents per copy, in the manner following: There shall be appointed by the governor in each county in this State, suitable agents to dispose of the same; and each agent shall give bond payable to the governor, and his successors in office, to be deposited in the office of the secretary of State, conditioned to account to the State for all monies which they may receive from the sale of said books, and pay the same into the State treasury.

Sec. 5. *And be it further enacted*, That an act to enable the people of the Alabama territory, to form a constitution and State government; and for an admission of such States on an equal footing with the original States; the declaration of independence; the constitution of the United States, and of the State of Alabama, be also printed and bound up in said digest.

Sec. 6. *And be it further enacted*, That the sum of twenty-five hundred dollars, be, and the same is hereby appropriated to the said John G. Aikin, for his services in making said digest, and the comptroller is hereby required to issue his warrant for the same.

Sec. 7. *And be it further enacted*, That the next legislature shall appropriate a sum not less than eight hundred dollars, as compensation to the said John G. Aikin, for superintending the printing and correcting the proof sheets of said digest; and for digesting the laws of the present and called session of the legislature; and so soon as the said work is completed, it shall be the duty of the secretary of State, to cause it to be distributed as the laws and journals now are.

Approved, January 10, 1833.

JOINT RESOLUTIONS authorising the Secretary of State to subscribe for Thirty-four Copies of a Map of the State of Alabama, about to be published by John Latourrette.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the secretary of State be authorised and hereby required, for and on behalf of the State to subscribe for thirty-four copies of a map of the State of Alabama, about to be published by John Latourrette, viz: One copy for each of the States and Territories of the United States, and for the District of Columbia; one for each of the two houses of the General Assembly; one for each of the offices, of governor, secretary of State, treasurer and comptroller.

Approved, January 1, 1833.

JOINT MEMORIAL to the Congress of the United States in relation to the Improvements on the Tennessee River.

The general assembly of the State of Alabama most respectfully represent to the congress of the United States, that the board of commissioners appointed by this State, to superintend the operations on the canal on the Tennessee river, memorialized your honorable body on the ninth of March last, by which they represent the necessity of a law authorising an alteration of the original plan of improvement on that part of the river below Florence for reasons set forth in said memorial, to which your honorable body is now referred. For this purpose an act of congress was passed at the last session authorising a change of the plan; but limiting the amount of the funds to be expended on that part of the river below Florence to one hundred and fifty thousand dollars, including what had then been expended on that part of the river. From the report of the commissioners to the general assembly of this State made during the present session, it appears that the sum authorised by the late act of Congress to be expended on the works on the river below Florence, including what has already been appropriated, will be insufficient to complete the improvement in that part of the river according to the plan in contemplation, and which has been recommended by the engineer employed by said commissioners. It will further appear by reference to said report, that an estimate of the cost of the canal, which the engineer in the service of the commissioners, laid out according to directions under the plan as proposed to be altered, and which is intended to be of the same dimensions, as that now in progress on the Muscle Shoals, has been made, by which it has been ascertained, that the expenditure on the works on that plan, will amount to the sum of one hundred and sixty-seven thousand seven dollars and seventy-two cents. Your memorialists are convinced from the facts ascertained by the examination of the engineer and the reasoning of the commissioners contained in their memorial to congress, and their report to this general assembly, that it would be worse than useless to proceed with the work on that part of the river according to the original plan, and therefore beg leave to call the attention of congress again to this subject, with a view of obtaining from congress authority for said canal commissioners, to expend of the funds placed under their control, such an amount as may be sufficient to complete the works below Florence on the river, according to the mode of improvement recommended by the engineer in that service, and according to the report of said commissioners to this general assembly.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our senators and representatives in congress be requested to use their efforts to procure the passage of a law embracing the object of the foregoing memorial.

Resolved, That the governor be requested to transmit a copy of the foregoing memorial, together with a copy of the report of the Tennessee canal commissioners made to the present general assembly, to each of our senators and representatives in congress.

Approved, January 10, 1833.

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JOINT MEMORIAL of the Senate and House of Representatives of the State of Alabama in General Assembly convened, praying a reduction of the price of the Public Lands, heretofore offered for sale.

To the Senate and House of Representatives of the United States of America:— Your Memorialist would respectfully represent to your honorable bodies, that there remain portions of public domain in many of the counties of this State, heretofore offered for sale, and which, though subject to entry at the minimum price for many years past, are yet unsold. Such has been the situation of some of these lands for the last fourteen years, although located in portions of the State little inferior in population to any others. This fact alone, it appears to your Memorialists, is sufficient to establish the proposition, that the price now demanded for these lands greatly exceeds their intrinsic value; for the demand for real estate produced by a dense population, continually increasing in wealth and resources, would necessarily occasion the entry of these lands, even at a moderate amount beyond their real value. In such a situation they would be taken by those who had no other motive than that of extending their present possessions. Independent of this much of this land, is tenanted by the poorer, but not less meritorious class of our citizens, who, after having encountered the difficulties, and hardships ever attendant on the settlement of a new country, found themselves incapable of contending with their wealthier neighbors, and were in consequence, driven from their original homes to seek subsistence on these comparatively sterile tracts. It cannot be believed that, men thus situated, would not readily exchange their present character of tenants, for the more enviable one of freeholders, if their government would permit the change at any moderate sacrifice. In behalf of this class of our citizens then, whose only prospect of a permanent home, rests on a change of the

policy of the government in relation to the public lands—we appeal to you, to abandon or modify the present system. Other considerations may be urged in favor of the policy we recommend. If the government would dispose of these lands at a fair price, it would realize a considerable amount of money from the sales; which can never be the case under the present system; and our State and citizens would receive great benefit from the change produced, in the characters of the occupants, by the acquisition on their part of a permanent interest in the soil. The State government too, would derive no inconsiderable benefit from the increased revenue arising from the taxes on these lands, were they owned by our citizens. Your memorialists would respectfully inquire, whether any future increase in the value of these lands, could justify Congress in disregarding the important considerations they have presented, even admitting that such an increase could be reasonably anticipated. But no such future accession to their value can be rationally expected. On the contrary it is believed, that a yearly diminution in their value occurs, arising from causes easily explained. It is a fact, of which all may be satisfied on the slightest inquiry, that these lands were chiefly valuable for the timber they afforded, and where they have remained without an occupant, they have been unceasingly pillaged of that portion of the timber valuable for architectural purposes. Again: Where they have had an occupant, the mode of cultivation has been destructive to the productiveness. The interest of the occupant has been of too transitory and unstable a nature to induce him to foster their resources; and the soil was too sterile originally, to admit of slovenly cultivation, without producing in a few years, a state of almost utter exhaustion. Every consideration then, of policy, as well as justice, would seem to demand a reduction of their price.

Your memorialists have not brought to their aid in the examination of this subject, the various considerations which have heretofore been urged on Congress, (and which they think should have been deemed sufficient) to induce the government totally to abandon the present system of disposing of the public domain. The present period (now that the public debt for the redemption of which it was originally ceded by the States, may be considered as discharged) is so propitious, that we can entertain no doubt that speedily this system must at least, be greatly modified, if not wholly discarded. One of the first steps in the reformation so earnestly desired, and which seems to be enjoined by every consideration which should influence the action of a wise, just and benignant government is, in the opinion of your memorialists, the reduction of the price of those lands, which have been offered for sale and remain unsold.

They, therefore, pray a reduction in the price of said lands, to fifty cents per acre, and the prospective annual reduction until the whole shall have been disposed of—allowing to the occupant a pre-emption right to one eighth of a section.

Resolved, That the Governor be and he is hereby requested, to forward the foregoing memorial to each of our senators and representatives in Congress, with a request to lay said memorial before their respective houses.

Approved, January 11, 1833.

JOINT RESOLUTIONS, in relation to the purchasing of chairs and chandeliers.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the building committee be and they are hereby, authorised and required, to procure by the meeting of the next session of the General Assembly, one hundred substantial chairs with rush, split or shuck bottoms, for the use of the legislature; and to make such disposition of those that are now on hand and damaged, as they may deem most to the interest of the State. And a chandelier for each hall.

And be it further resolved, That the comptroller of public accounts, be and he is hereby authorised and required, to issue his warrant for such sum as may be necessary to pay for the chairs and chandeliers provided for the purchase of in the foregoing resolution.

Approved, January 12, 1833.

JOINT MEMORIAL to the Congress of the United States.

The Memorial of the Senate and House of Representatives of the State of Alabama, respectfully represents to your Honorable body, That in addressing your Honorable body on the subject of the present Memorial, they are aware of urging the claims of a class of citizens, who have on more than one occasion, received the beneficial aids of the General Government. The agriculturalists of our country, by far the most numerous portion of our citizens, had for many years laboured under the most serious disadvantages of a new country; when the politic scheme of granting pre-emptions, at once relieved them. This class, the pioneers of all the prosperity and civilization of the West, are, in the settlement of new countries, subjected to difficulties, which cannot be appreciated by those who in older and more improved societies, enjoy the

ease and luxury of civilized life. A hardy race who plunge into the forest of a remote country, subject to the dangers of savage warfare, and deprived of all the intercourse and happiness of long settled communities, should receive all the benefits and protection, which the fostering hand of government can bestow; especially when these form so large a class, and when their exertions and their hardships, all contribute to the establishment of that wealth and enterprise, which have creted from dense uncultivated forests, the prosperous cities of the West. In particular reference to the subject of this Memorial, we would call your attention to the large amount of Indian Territory, the title to which, soon will be extinguished within the chartered limits of this State.

This Territory which from the growing population of our State, is filling up rapidly with the best citizens the country can possess, an industrious yeomanry, will soon be subject to the same difficulties, which in every new country keep down its best population, unless the government will interpose the benefits of pre-emption laws. When it is recollected, that but a few years past, a swarm of land speculators over-run the country, blighting the best prospects of the honest farmer, and tearing up the humble settlements which his toil and industry had erected, it will appear just and necessary that your honorable body, should take an early opportunity of preventing a like distress. One of the best established principles of natural law, gives a species of prior right to the occupant of waste lands, and although your Memorialists are sensible that this cannot apply to lands owned by the government, yet we would submit to your honorable body, whether it does not furnish some reasons in favour of the citizens who are settled on the lands of the United States.

The vast amount of money annually paid by the western people, for the soil they cultivate, the few benefits they derive from the general distribution of the government funds, and the extraordinary toil and labour they have exercised in improving, and thereby enhancing the value of the lands, all require the immediate security of the people, by the passage of laws granting pre-emption rights.

Your memorialists, would therefore request you honorable body, to take into immediate consideration, the just claims of our citizens, now settled or who may hereafter settle on the Indian Territory; and to grant them pre-emption rights, with such limitations and restrictions, as to your honorable body, shall seem just and proper, and for the end that these laws may afford a full relief, your memorialists would suggest the propriety of granting time for the advantages of these pre-emptions, up to the day of sale.

Therefore be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our senators and representatives in the Congress of the United States, be requested to urge upon that body, the object contemplated by this memorial, and that the executive of this State, be requested to forward a copy of the same, to each of our senators and representatives.

Approved, January 12, 1833.

JOINT RESOLUTIONS, in relation to procuring the Journals of the Senate and House of Representatives of the United States.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That his excellency the Governor, be authorised and empowered to apply to the secretary of State of the United States, for copies of the journals of the senate and house of representatives of the United States, from the commencement of the federal government up to the year 1820.

Approved, January 12, 1833.

JOINT RESOLUTIONS in relation to a third Judicial District.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our senators in Congress are instructed, and our representatives requested to procure the passage of a law to establish a third judicial district within the State of Alabama, to include the middle part of the State, and to provide for holding two terms of the federal court in the town of Tuscaloosa in each and every year.

Resolved, That the Governor transmit a copy of the above resolution to each of our senators and representatives in Congress.

Approved, January 12, 1833.

REPORT of the select committee of the House of Representatives, to whom was referred so much of the message of the Governor, as relates to the Tariff, to the principle of protection and to the doctrine of Nullification.

The select committee to whom was referred so much of the message of the Governor, as relates to the tariff, to the principal of protection and to the doctrine of nullification, have had the same under consideration, and have instructed me to report a preamble and resolutions, which they respectfully submit to the House for its adoption.

Your committee deeply impressed with the present alarming crisis in our history, have given to the subject that profound consideration, which its paramount importance so justly demands.

So much has been said and written on the subject submitted to them, that they may be said to be exhausted, and they will therefore submit a very few remarks prefatory to the resolutions, which they recommend to the adoption of the House.

In a country of such vast extent as the United States, embracing such a variety of soil, climate and products, and inhabited by a people, whose pursuits are as various as the climate under which they live; any attempt on the part of the government to force manufactures into existence, by governmental bounties, must of necessity operate unequally, and therefore be unjust.

If it be a truth, not now to be questioned, that no government can justly take from one portion of its citizens a part of their property, to benefit another, it is more especially unjust in a country like ours, composed of different States, who are united in one common bond, only for the purpose of providing for the common defence, of promoting the general welfare, and securing the blessings of liberty to themselves and posterity. For these purposes, this union was formed, and it cannot be supposed, that those who consented to it, intended by implication and construction to confer on the general government powers destructive of their happiness and best interest. Laws having their operation, and professing to derive their authority from the constitution under which we live, being opposed to the true interests of every section of the republic, and unjust in their operation on the Southern States, even if sustained by the letter of the constitution, are contrary to its spirit and at war with the general scope and tenor of that instrument.

It cannot be believed, that if the framers of the constitution had assigned the exercise of such a power, as the right to create and protect domestic manufactures, by a system of high duties, that it would have been left to inference or implication; its framers therefore could not have intended that such a power should be exercised. This reasoning is founded on, and these results drawn from, the instrument itself; but in addition thereto, contemporaneous history informs us, that in the convention which framed the constitution, it was proposed in various modes to give that power to Congress, and refused.

It is the exercise of this power, which a large majority of the South believe to be against the spirit of the constitution, and no inconsiderable number, contrary to its express letter, which has driven them to consider their government as foreign to their interests, and alien to their feelings. Instead of looking up to it with pride and veneration, as the world's last hope, and as the favorite resort of freedom, no inconsiderable portion of the South have begun to estimate its value; and to contemplate even disunion itself, as an evil less formidable than submission to the exactions of the government.

And now at this fearful crisis, when one of our co-States has assumed the alarming attitude of declaring an act of Congress void within her limits, and the note of preparation is sounded to sustain this attitude by force, what shall Alabama do? Our answer is, never despair of our country. We believe that there is a vital energy, a living principle inherent in our institutions, and a sense of justice residing in the bosoms of our fellow citizens, which when properly appealed to, must succeed. We concede that our Northern brethren believe that they are acting within the pale of the constitution; but can it be believed, that they will by insisting on the obnoxious duties, peril the Union of these States, and make shipwreck of the last hope of mankind? Can any pecuniary benefit compensate for results like these? If blood be shed in this unhallowed contest, a wound will be inflicted, which may never be healed, to confidence will succeed distrust, mutual recriminations, and mutual injuries, and the choicest blessings of Heaven, by the madness and folly of man, will be converted in the most deadly poison.

Deeply impressed with these views, we recommend the adoption of the following resolutions, which we are satisfied embody the opinions of our constituents, and in their name propose to our co States a federal convention.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That we consider the present tariff of duties, unequal, unjust, oppressive and against the spirit, true intent and meaning of the constitution; that if persevered in, its inevitable tendency will be to alienate the affections of the people of the Southern States from the general government.

And be it further resolved, That we do not consider the tariff of 1832, as fastning upon the country the principle of protection, but that we receive it as the harbinger of better times, as a pledge that Congress will at no distant period, abandon the principle of protection altogether, and reduce the duties on imports to the actual wants of the government, levying those duties on such articles as will operate most equally on all sections of the Union.

And be it further resolved, That nullification, which some of our Southern brethren

recommend as the constitutional remedy for the evils under which we labor, is unsound in theory and dangerous in practice, that as a remedy it is unconstitutional and essentially revolutionary, leading in its consequences to anarchy and civil discord, and finally to the dissolution of the Union.

And be it further resolved, That we earnestly intreat the people of this State, not to distrust the justice of the general government, and to rest satisfied, though long delayed, it will certainly be accorded to them. And above all things, to avoid those dangerous and unconstitutional remedies proposed for their imitation and adoption, no matter how specious their exterior, which may lead to bloodshed and disunion, and will certainly end in anarchy and civil discord. And at the same time we would most solemnly adjure the Congress of the United States, in the name of our common country to abandon the exercise of those dubious and constructive powers, claimed under the constitution, the assertion of which has produced *jealousy*, excitement and dissatisfaction to the government, and if persevered in, will in all human probability, dissolve this Union. By this means, and by this alone, can we be prevented from fulfilling our high destinies, and our onward march to greatness be arrested.

And be it further resolved, That as we have now for the first time in the history of our country, presented to us the appalling spectacle of one of the States of this Union, arraying herself against the general government, and declaring sundry acts of Congress void and of no effect within her limits; presenting to Congress the alternative of repealing the obnoxious laws or permitting her secession from the Union, and preparing by an armed force to sustain the position she has assumed, and as we cannot silently look on and witness the failure of the high raised hopes and just expectations of those patriots who cemented our liberty with their blood: Therefore, as a last resort, we recommend to our co-States the calling of a Federal Convention, to meet in the city of Washington on the 1st of March, 1834, or at such other time and place as may be agreed on, which shall be authorised to derive and recommend such plan, which will satisfy the discontents of the South, either by an explicit denial of the right of Congress to protect domestic industry by duties on imports laid for protection, or by defining and restricting the power aforesaid, within certain prescribed limits, and making such other amendments and alterations in the constitution as time and experience have discovered to be necessary.

Resolved, That the Governor be desired to transmit a copy of the foregoing resolutions to the President of the United States, and to the Executive of each of the States, with a request that the same may be communicated to the Legislature thereof.

Resolved further, That the Governor furnish a copy of said resolutions to each of the senators and representatives of this State, in the Congress of the United States.

Approved, January 12, 1833.

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JOINT RESOLUTIONS, compensating the State Treasurer for receiving and disbursing the University funds, for the years 1831 and 1832.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened; That the State treasurer be allowed the sum of two hundred dollars, for his services in receiving and disbursing the University funds, for the year 1831 and 1832, to be paid out of the University funds, and that the comptroller issue his warrant accordingly, and that the treasurer hereafter receive the sum of one hundred dollars per year, for like services.

Approved, January 12, 1833.

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RECOMMENDATIONS of the General Assembly of the State of Alabama to the President of the United States, to the State of South Carolina and to the different States.

The General Assembly of the State of Alabama have received and considered with absorbing interest, the late Ordinance of South Carolina, with the Address of the co-States accompanying the same, together with the Proclamation of the President of the United States, consequent thereon. The attitude assumed by the State of South Carolina and the Government of the United States through its Chief Magistrate, forbodes a crisis which threatens the peace of society and the harmony of the Union, and which should be deplored by every one who loves his country and liberty. The existence of our constitution and the integrity of the union, require the instant exertion of that patriotism, forbearance and virtue, which have hitherto characterised the history of our government. Omitting, on this occasion, to enter into the causes which have produced the present affecting posture between one State and Federal Government;—this General Assembly now affectionately and solemnly appeals to the Congress of the United States, and to the State of South Carolina, for that forbearance, patriotism and virtue, which alone can restore, by mutual sacrifice of opinion, harmony, peace and prosperity to our common country. The only bonds of our union, and the sole preservatives of rational and constitutional liberty, are a strict adherence on the part of the constituent States to the principles of our government—the affection of the people for that

government, and a firm persuasion of the equality and justice of its administration, aided by a spirit of forbearance on the part of those States who may deprecate from the opinion of the majority.

To this end the General Assembly of Alabama recommend to the Congress of the United States, a speedy modification of the Tariff laws, in such manner as to equalise their burthens, and cause only so much revenue to be collected as will be necessary to pay the expenses of the Government, in its constitutional and economical administration. This Assembly further recommends to the Congress of the United States, as she has already done to her co-States, the call of a Federal Convention, to propose such amendments to our Federal Constitution, as may seem necessary and proper, to restrain the Congress of the United States from exerting the taxing power, for the substantive protection of domestic manufactures. This Assembly further earnestly recommends to the State of South Carolina, to suspend the operation of her late Ordinance, that the unfortunate collision of powers between that State and the government of the United States, may be amicably adjusted in such manner as not to impair the rights and powers granted to the general government, or retained and reserved to the States, or the people by the Constitution. This General Assembly further urgently recommends to the State of South Carolina, to abstain from the use of military power, in enforcing her Ordinance, or in resisting the execution of the revenue laws of the United States. And this General Assembly, with equal earnestness, recommends to the government of the United States, to exercise moderation, and to employ only such means as are peaceful and usual to execute the laws of the Union. The General Assembly of this State further recommends to her co-States, to concur with this State in the foregoing recommendations.

Resolved, That the Executive of this State be requested to transmit copies of the foregoing recommendations, to the Executive authorities of each of the United States: to the President of the United States, and to our senators and representatives in Congress, with instructions to lay the same before the Congress of the United States.

Approved, January 12, 1833.

JOINT RESOLUTIONS relative to the boundary line between this State and the State of Georgia.

Whereas the boundary line between this State and the State of Georgia, so far as it respects the point on the Chattahoochie, from which it ought to depart to Nickajack on the Tennessee river, remains as yet unsettled, Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor of this State be and he is hereby authorised and empowered, in conjunction with the Governor of Georgia, to select and appoint a suitable umpire or arbitrator, to settle the boundary line between this State and the State of Georgia, according to the true intent and meaning of the compact or articles of cession made and entered into between the State of Georgia and the government of the United States, in the year 1802, whose decision, when made in pursuance thereof and published by transmitting copies of the award, arbitration and determination to the Governors of this State and the State of Georgia, shall be binding and conclusive between this State and the State of Georgia.

And be it further resolved, That the Governor of Georgia be and he is hereby respectfully requested to unite with the Governor of this State in the selection and appointment of an umpire or arbitrator, in pursuance of the above resolution; and if he have not sufficient power and authority for that purpose, that he take such measures as may be necessary to procure the same.

And be it further resolved, That should it be necessary in the opinion of the umpire or arbitrator appointed under authority hereby given, to have any surveys made for the purpose of ascertaining more correctly, the true boundary line between this State and the State of Georgia, he is hereby, on the part of this State, fully authorised and empowered to appoint some fit person to make said surveys.

And be it further resolved, That the Governor of this State be and he is hereby authorised and empowered, to appoint a suitable agent or commissioner on the part of this State, to appear before the umpire or arbitrator, that may be selected and appointed under the first resolution; to explain, enforce and defend, the rights of this State.

And be it further resolved, That the Governor of this State be and he is hereby authorised, to pay any expenses that may be necessarily incurred for the purpose of carrying the above resolution into effect, before the next session of the General Assembly; out of the contingent fund.

And be it further resolved, That the Governor of this State, be requested to transmit a copy of these resolutions to the Governor of the State of Georgia.

Approved, January 12, 1833.

JOINT RESOLUTIONS, to keep and preserve all the furniture of both Houses of the General Assembly, and for other purposes.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That immediately after the adjournment of the present General Assembly, it shall be the duty of the doorkeeper of each House, to put all the furniture of the House of which he was doorkeeper in order, and in the presence of each take a correct and true inventory of all such furniture, together with the stationary that may be on hand.

And be it further resolved, That it shall be and is hereby made, the duty of James Rather, the messenger of the House of Representatives, to receipt for all such furniture and stationary as aforesaid, and file the same together with the aforesaid inventory in the office of the Secretary of State.

And be it further resolved, That it shall likewise be the duty of the said James Rather, to take charge of all the vacant rooms in the State Capitol, to have the same ventilated and kept clean, and deliver the same together with the furniture and stationary aforesaid, to the proper authorities at the commencement of the next session of the General Assembly.

And be it further resolved, That for the faithful performance of all the aforesaid duties, the sum of fifty dollars, shall be paid to the said James Rather.

And be it further resolved, That the doorkeepers be allowed fifteen dollars for the services above required; and the doorkeeper of the Senate ten dollars.

And be it further resolved, That the doorkeepers of the respective Houses, shall collect all the inkstands, sand-boxes, and books, belonging to the State, now distributed in the various taverns throughout this town.

Approved, January 12, 1833.

DEPARTMENT OF STATE, TUSCALOOSA, February 20, 1833.

I have carefully examined the foregoing Acts and Resolutions, and find them to be true copies of the original rolls deposited in this Office.

JAMES L. THORNTON, *Secretary of State*.

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